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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91210234
Party	Plaintiff Carole A. Faulkner dba C I Host
Correspondence Address	BRET MADOLE DAVID GOODMAN & MADOLE PC 5420 LBJ FREEWAY, SUITE 1200 DALLAS, TX 75240 UNITED STATES faulkner4010@yahoo.com, mgoodman@dgmlegal.com, ngray@dgmlegal.com, anikolopoulos@dgmlegal.com
Submission	Testimony For Plaintiff
Filer's Name	Andy Nikolopoulos
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Signature	/Andy Nikolopoulos/
Date	07/31/2014
Attachments	Oral Deposition of Carole Faulkner 7-1-14.pdf(3167787 bytes )

```
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
1
          BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD
2
   CAROLE FAULKNER,
   INDIVIDUALLY AND D/B/A C I ) In the Matter of
   HOST, AND CHRISTOPHER
                                ) Application Serial
                                 ) No. 85703135
   FAULKNER, INDIVIDUALLY AND
   D/B/A C I HOST,
5
                                 ) Mark: C I Host
                   Opposers,
6
                                 ) Opposition No. 91210234
   VS.
7
                                 ) Published: February 12,
   GARY DOMEL,
                                 ) 2013
8
                   Applicant. )
9
10
11
                       ORAL DEPOSITION OF
12
                         CAROLE FAULKNER
13
                          JULY 1, 2014
14
15
16
        ORAL DEPOSITION OF CAROLE FAULKNER, produced as a
   witness at the instance of the Opposers, and duly sworn,
17
18
   was taken in the above-styled and numbered cause on
19
   July 1, 2014, from 9:59 a.m. to 11:54 a.m., before
20
   Christy Cortopassi, CSR in and for the State of Texas,
21
   reported by machine shorthand, at the law offices of
   David & Goodman, Two Lincoln Centre, 5420 LBJ Freeway,
2.2
23
   Suite 1200, Dallas, Texas 75240, pursuant to the
24
   Trademark Trial and Appeal Board Rules and the
25
   provisions stated on the record or attached hereto.
```

```
APPEARANCES
1
2
3
   FOR THE OPPOSERS:
4
        MR. ANDY NIKOLOPOULOS
        David & Goodman
5
        5420 LBJ Freeway
        Two Lincoln Centre, Suite 1200
6
        Dallas, Texas 75240
        972.991.0889
7
        anikolopoulos@david-goodman.com
8
   FOR THE APPLICANT GARY DOMEL:
9
        MS. DAWN WHALEN THEISS
        Winstead
10
        500 Winstead Building
        2728 N. Harwood Street
        Dallas, Texas 75201
11
        214.745.5497
12
        dtheiss@winstead.com
13
14
15
16
17
18
19
20
21
22
23
24
25
```

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1	PROCEEDINGS
2	CAROLE FAULKNER,
3	having been first duly sworn, testified as follows:
4	EXAMINATION
5	BY MR. NIKOLOPOULOS:
6	Q. Please state your full name, for the record.
7	A. Carole Ann Faulkner.
8	Q. And you are one of the plaintiffs that has
9	filed an opposition in this matter
10	A. Yes.
11	Q before the Trademark Trial and Appeal Board?
12	A. Yes, I am.
13	Q. But this opposition was brought by you in your
14	individual capacity and doing business as C I Host?
15	A. Correct.
16	Q. And this opposition is to the registration of
17	Trademark Serial Number 85703135, correct?
18	A. Correct.
19	Q. And is it your understanding that this is the
20	trademark application filed by Gary Domel, individually,
21	on August 14, 2012?
22	A. Yes, that's the one.
23	Q. So when we talk about Mr. Domel, we refer to
24	him I can refer to him as either the applicant or the
25	defendant in this case but you will understand either

```
one, correct?
1
2
         Α.
             Yes.
3
             And when I refer to you or Chris Faulkner, you
4
   guys will be the plaintiffs or the opposers?
5
            All right.
        Α.
6
         Q.
            Okay.
7
        Α.
            Yes, I can.
8
         Q.
            What is the mark in question in this action?
            C I Host.
9
        Α.
10
             And the Applicant's registration, Mr. Domel's
   registration, is it for a standard character mark?
11
12
        Α.
             Yes, it is.
             There's no design element, to your knowledge?
13
         Q.
14
             No. It's just the words.
         Α.
15
             And the applicant's registration is under Class
         Q.
16
   42 for use in connection with -- and I'm just taking
17
   this from the application, designing and implementing
   web sites for others on the global computer information
18
19
   network, hosting for web sites of others on a computer
20
   server for a global computer network, graphic art
21
   design, computer art design for others and computer
2.2
   consultation.
23
                  Is that your understanding of what
24
   Mr. Domel has applied for?
25
        A. Yes.
```

```
And you as the Opposer filed a timely
1
2
   opposition to the registration after it was published
3
   for opposition in the official gazette, correct?
             Yes, we did.
4
5
             And is it your understanding that in this
         0.
   registration application Mr. Domel is claiming that he
6
7
   is the owner of the C I Host mark, correct?
8
         Α.
             That's what he claims.
             You say that you do -- you say that you do
9
10
   business as C I Host, in your opposition, correct?
             Yes. We're do -- I am doing business as C I
11
12
   Host.
13
         Q.
             Is there also a corporate entity with this
14
   name?
15
        Α.
            Yes.
            What is it?
16
         Q.
17
             C I Host, Inc., in Texas.
         Α.
             What is your position in C I Host, Inc.?
18
         Q.
             I am the sole owner and then I am chairman of
19
20
   the board. Or sole shareholder.
2.1
             And the chairman of the board?
         Q.
2.2
             Chairman of the board, yes.
        Α.
23
            Are there any other officers?
         Q.
```

Chris Faulkner is president and he sits on the

24

25

Α.

board.

```
Okay. Where was C I Host formed?
1
        0.
            C I Host --
2
        Α.
            I said -- I'm sorry. Where was C I Host, Inc.
3
        Q.
   formed?
4
5
            Okay. C I Host, Inc. was formed in Texas. And
6
   we formed it is as a corporation in 1999.
7
                  (Exhibit No. 1 was marked.)
8
        Q.
           (BY MR. NIKOLOPOULOS) Let me hand you what's
9
   been marked as Exhibit 1. Do you recognize this
   document?
10
        A. Yes. This is the C I Host, Inc. Articles of
11
12
   Incorporation and everything, where we filed it in Texas
   in February 4, 1999.
13
14
        Q. Okay. And is this a true and correct copy of
15
   these Articles of Incorporation filed with the Secretary
   of State?
16
17
           Yes, they are.
        Α.
            What is C I Host, Inc.'s principle place of
18
19
   business?
20
        A. The offices are at 4010 Ambleside Court in
21
   Colleyville, Texas. My data center in -- on Sawtelle
22
   Avenue in Los Angeles, California.
23
           What type of business is C I Host, Inc. engaged
        Q.
```

A. It is -- does web hosting for colocations,

24

25

in?

```
dedicated servers. We do a little bit of share, not really anymore because everything is going to virtual machines. We do implementation and installation of the software on the colocation machines and the dedicated services as we need it. And are -- we have -- provide technical support for the equipment.

We do web design and implementation, search
```

engine optimization. It's a lot broader now than it was in 1999, on that last thing that you read. It's -- we do web hosting for U.S. customers and international, I have both. Let's see, web hosting -- creation of the web sites and web designs. I covered the search engine.

I don't -- we don't do domain name restoration anymore, any longer. We stopped that a couple of years ago. That -- that is a broad umbrella that we cover.

- Q. Okay. Thank you. And at some point was another corporation formed with the word C I Host?
- 19 A. Well, I have C I Host Corporation.
- Q. When was this formed?

8

9

10

11

12

13

14

15

16

17

- 21 A. It was formed in 2000, in California. And then 22 formed in Texas in 2002.
- 23 (Exhibit No. 2 was marked.)
- Q. (BY MR. NIKOLOPOULOS) Let me hand you what's been marked as Exhibit 2. Do you recognize that

```
document?
1
2
        A. This is the C I Host Corporation Articles that
   was filed in 2002.
3
            In what state?
4
        0.
5
        Α.
            Texas.
6
        Q. Is that a true and correct copy of these
7
   Articles that were filed with the Secretary of State, of
8
   Texas?
9
        A. Yes.
                  (Exhibit No. 3 was marked.)
10
             (BY MR. NIKOLOPOULOS) Let me hand you what's
11
12
   been marked as Exhibit 3. Do you recognize that
13
   document?
        A. Yes. This is C I Host Corporation that I filed
14
15
   in 2000, October 2, 2000, for California.
16
            What was your position in C I Host Corporation?
        Q.
17
           I was one of the shareholders and I'm general
   counsel and also was a vice president and general
18
19
   counsel.
20
        Q. What type of business was C I Host Corporation
```

- 21 engaged in?
- 2.2 A. It did some hosting, more web design at that time. It was into the shared hosting and dedicated 23 24 servers. Starting out, we did not do any type of 25 colocations.

```
Q. Okay. So just to be clear, we have a C I Host, Inc. and we have a C I Host Corporation?
```

A. Correct.

3

4

5

6

20

- Q. Okay. Can you give us an idea of, was there any overlap or when -- when did C I Host Corporation operate as opposed to C I Host, Inc.?
- A. C I Host Corporation, we were doing business

  8 starting in 2000 using C I Host Corporation. C I Host,

  9 Inc. was still going on at that time. It was building a

  10 larger data center.
- C I Host Corporation was not as large as

  C I Host, Inc. but we still was maintaining it. And we

  were using C I Host Corporation in Texas since 2000,

  even though it -- we didn't incorporate until 2002 in

  Texas. We brought it -- we started using it in Texas

  right away, In Oct -- in 2000.
- Q. Now actually, C I Host did business as a sole proprietorship or -- and/or partnership even before you formed -- well, let me strike that.
  - Was C I Host doing business even before any corporate entity was formed?
- A. Of course. We started doing -- C I Host started business in 1995.
- Q. And please describe how C I Host first started doing business in 1995 and what it did.

2

3

5

6

7

8

9

10

11

12

13

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15

16

17

18

19

20

2.1

2.2

23

2.4

25

```
A. C I Host started out in '95, late '94. We started doing web design, Chris did. And he was using it as a -- doing web design and then hosting for his web design customers.

Q. Let me interrupt you. When you say Chris, who are you re --
```

- A. Chris Faulkner.
- Q. Okay.
- A. Chris Faulkner was -- we were doing web design and then started providing hosting services for the web design customers. And the business was also in the same offices as my law office. And I had a large suite. So C I Host had two rooms in it and I had the other two.

and then Christopher would come in about noon, 1:00 o'clock. And then he would take over and run the second shift. And before that it started in an apartment when he was in high -- in college. And it was sort of reverse. I would go up at night and he would run it during the day.

- Q. Is it your contention that you and the other opposer, Chris Faulkner, are the ones who have continuously and exclusively utilized the C I Host mark in commerce?
  - A. Yes, we have.

12

```
0.
1
             In --
2
             Since 1995 and we are using it today.
3
         Q.
             In connection with web hosting and design
   services?
4
5
        Α.
             Yes.
6
         0.
             In a broad --
7
         Α.
             It is just much more extensive today.
8
             And you have been using this mark since 1995?
         Q.
9
         Α.
             Continuously.
10
             Have you ever filed an application to register
   the mark C I Host?
11
12
             C I Host Corporation, I filed it in 2000.
13
         Q.
             And do you remember when that mark was actually
14
   registered?
15
             It took a few years. So we registered in 2004.
   But I filed for the trademark right after I incorporated
16
17
   C I Host Corporation in California. And then a few
   weeks later I filed for the trademark C I Host.
18
```

19 (Exhibit No. 4 was marked.)

20 0. (BY MR. NIKOLOPOULOS) I've handed you what has 21 been premarked as Exhibit 4. Do you recognize this 2.2 document?

23 Α. Yes.

24 Ο. What is it?

25 That's the C I Host trademark that we filed in

```
1 2000.
```

5

- Q. Is this a true and correct copy of the record of this prior registration as taken from the trademark electronic search system?
  - A. Yes, it is.
- Q. Now this registration was eventually cancelled, correct?
- A. Yes. Apparently there was some papers that wasn't filed in 2011 and it cancelled.
- Q. Who was the party who applied for and received this trademark registration?
- 12 A. C I Host Corporation.
- Q. Okay. Now as we have mentioned earlier, Gary
  Domel filed an application on August 14, 2012, for this
  same mark, correct?
- 16 A. Yes, he did.
- Q. And that is the application that you are opposing today?
- 19 A. Yes.

- Q. Actually, you filed another -- you actually
  filed another application, as well, for C I Host, less
  than a month after Mr. Domel, correct?
- A. That's when I found out that the mark had been cancelled so I immediately filed for it again.
  - Q. And this was filed on September 19, 2012?

14

- That is about right, yes. Α.
- 2 And it had Application Serial Number 857323 --3 strike that.

85732638?

- That sounds familiar. Yes, that is it. 5
- (Exhibit No. 5 was marked.) 6
- 7 Q. (BY MR. NIKOLOPOULOS) Let me hand you 8 Exhibit 5. Do you recognize that document?
- Α. 9 Yes.

1

- What is it? 10 Q.
- This is the current C I Host filing for the 11 12 trademark. And it sets forth more of our goods and services that we're doing today. It's a lot broader. 13
- 14 Q. Is this a true and correct copy of the record 15 of this current application, as taken from the trademark 16 electronic search system?
- A. Yes. And this is the one that myself and 17 18 Christopher filed.
- 19 Q. Okay. So now you are saying that there are two 20 competing applications for registration of the mark
- C I Host, correct? 2.1
- 2.2 A. Yes, at this time.
- 23 Okay. Who are the applicants in this 24 application on Exhibit 5, that you are holding?
- 25 A. This one that -- this is my -- our mark.

- C I Host is -- this is a mark that has been filed by 1 2 myself, individually and doing business as C I Host. 3 And then Christopher Faulkner individually and doing business as C I Host is the co applicant.
- Q. You understand that, Gary Domel, by filing his registration -- or filing his application for 7 registration of the mark C I Host, is claiming that he 8 is the rightful owner of this mark?
  - That's what he is claiming. Α.
- 10 Have you seen the trademark application filed by Gary Domel? 11
- 12 Α. Yes, I have.

6

9

15

16

17

18

19

20

21

22

23

24

- 13 Okay. What in particular did you notice about Q. 14 it, anything unusual, anything you could --
  - Well, there is not one true word on it except Α. for his name. I mean, he has lied throughout the application. He had cop -- what he did was he copied the application that we filed back in 1999. He used an address that he's never resided at or never had an office at. He has never been in hosting.
  - He wouldn't know how to be in hosting. Не is incompetent to run a hosting company because he doesn't have the qualification. He has never used the mark. He stated in the application that he has used the mark since 1995. There is no way he's used that mark

```
since 1995.
1
2
                  I do regular searches. We maintain people
3
   that search for the C I Host name, to make sure that no
   one is using that mark. And if you Google it or you
5
   search anything, if you come up with a mark C I Host,
6
   you come with the name Faulkner. You don't come up with
7
   Domel. He has never been and never used that mark and
8
   he doesn't know how to use it.
9
            Okay. Do you know -- how well do you know Gary
        Q.
   Domel?
10
            I have known him for years, or know of him.
11
12
        Q.
           But based on the knowledge that you do have
   about him and his activities, is it your opinion that he
13
   has ever used this mark?
14
15
        A. He never has.
            Based on your previous knowledge of Mr. Domel,
16
17
   do you believe he has any intent of ever using this
18
   mark?
19
        A. No. No. He just -- he will never use the mark
20
   C I Host.
21
        Q. If Mr. Domel's application --
22
                  MS. THEISS: This calls for spec -- I'm
23
   sorry to interrupt.
2.4
                  MR. NIKOLOPOULOS: That's okay. Go ahead.
```

MS. THEISS: That calls speculation.

6

9

10

11

14

2.2

```
0.
            (BY MR. NIKOLOPOULOS) If Mr. Domel's
1
2
   application is approved for registration, will your
3
   business be -- how will your business be effected?
            We are currently doing business as C I Host, as
   we have for the past 20 years. And if he is awarded the
   mark, it would cause -- if he ever actually used the
7
   mark in commerce, that means he has to acquire the
8
   knowledge to do a hosting company, he would cause a lot
   of confusion in the marketplace.
                 Because then the public is going to wonder
   why C I Host and Faulkners are not connected together in
12
   the business as we have for the last 20 years and then
   suddenly someone, Domel, that has never been even an
13
   employee of C I Host is now having the mark. And
15
   what -- and I own the domain, cihost.com.
        Q. So will this likelihood of confusion cause any
16
17
   damage to your business?
18
```

- A lot. Α.
- 19 0. Have you built any goodwill into this C I Host 2.0 name?
- 2.1 Yes, we have. Α.
  - Can you just briefly elaborate on that? Q.
- We have done a lot of advertising. Christopher 23 Α. 24 has done a lot of articles and publications on internet 25 hosting. He's considered an expert in that industry.

```
We have sponsored NASCAR cars, world boxing matches. We
1
2
   do internet banners and advertising. We -- I mean, it
3
   is -- both ways, yes. It is internet hosting, everybody
4
   has got it connected.
5
            Do you believe that there is value --
        Q.
6
        Α.
            It. --
7
        0.
           -- associated with the C I Host name?
8
                  THE REPORTER: Say that again. You're a
9
   little too quick for me.
10
                  MR. NIKOLOPOULOS: I apologize.
11
                  THE REPORTER: It's okay.
12
            (BY MR. NIKOLOPOULOS) Do you believe that
13
   there is any value associated with the CI Host name?
14
            Yes. We have taken the last 20 years to build
        Α.
15
   that company.
            What kind of service does the C I Host continue
16
17
   to offer? You may have already touched on that but I
18
   don't remember it.
19
            Oh, well, we continue to offer -- we do the web
20
   hosting for dedicated servers, colocations, using
2.1
   virtual machines now. We do implementation and
2.2
   installation of services. And we provide technical
   support to those people that have the dedicated
23
2.4
   equipment in our data center.
25
                  We do web design, search engine
```

```
optimization means taking their domain name and making
their domain name and making
their domain name and making
and their domain name and their domain name and making
and their domain name and their domain na
```

- Q. Now since you began first using the mark in 1995, have you done any -- you said briefly you did some advertising?
- A. Yes.

5

6

7

8

- 9 Q. Can you briefly expand on what type of 10 advertising you did?
- A. Oh, well, like I said, we have done -- we sponsor NASCAR races and cars. We have done where we have sponsored boxing matches, television advertising, a lot of internet banners, articles, Christopher has done a lot of articles and held himself out as an expert and is a noted expert in the internet and hosting industry.
  - O. Is there a web site for C I Host?
- 18 A. Yes. Www.cihost.com.
- 19 Q. And has this web site been continuously 20 maintained?
- 21 A. Yes, it has.
- Q. Who has been maintaining it?
- 23 A. I maintain it.
- Q. Have you expended substantial funds, time or 25 en -- and/or energy to promote C I Host and its mark?

- Christopher and I both have, throughout the 1 2 years. It's been there like 20 years.
- 3 Q. Do you believe that you are entitled to protect 4 this mark as a result of your continuous and exclusive use of it? 5
- 6 A. Yes. And we do. I take steps. 7 continuously look for anyone that is using that mark or 8 similar and we will go after them with cease and desist and whatever is necessary for them to stop using the mark C I Host. 10
- Have you received a cease and desist letter 11 12 from Mr. Domel?
- 13 Α. No.

- 14 You testified earlier that you reviewed the 0. 15 trademark application of Mr. Domel, correct?
- A. Correct. 16
- And you stated that -- well, among many other 17 18 things, one thing you noticed was that it appeared to be 19 copied from your very own prior registration?
- 2.0 Α. It's identical to it.
- And you mentioned something about an address 2.2 that was listed in the application?
- 23 He used the address 1851 Central Drive in his Α. 24 application. That building, C I Host moved from that 25 building in 2009. It has been vacant up until 2000

- and -- late 2012, 2013 is when they actually tore the building down. But Mr. Domel has never had an office there. It was exclusively a C I Host building and data
- Q. To the best of your knowledge, has Mr. Domel
  ever provided any of the services that are listed under
  the class stated in his application?
- A. No. He has never provided any of those services.
- Q. And I think you touched on this earlier but
  Mr. Domel's application was filed as a Section 1-A
  application?
- 13 A. Correct.
- Q. And that means that the mark was already being used in commerce by him. Is that your understanding of what a Section 1-A is?
- A. Yes, it is. And the mark was being used but it was being used by Christopher or myself, not by
- 19 Mr. Domel.

4

center.

- Q. So you believe that the statement that the mark
  was being used in commerce by Mr. Domel was a false
  statement?
- A. Yes, it was. It was a false statement. He stated that he had been using it since 1995 and he hasn't been.

/ 2011

```
Q. What is Mr. Domel's only relationship to your company or primary relationship to your company?
```

- A. He was a creditor, he loaned them money back in 1999.
- 5 Q. Has he ever been in privy with C I Host?
- 6 A. No.
- 7 Q. Has he ever done business as C I Host?
- 8 A. No.
- 9 Q. Okay. Let's touch on this creditor issue.
- 10 C I -- who was lent money? Mr. Domel personally lent
- 11 | money to C I Host?
- 12 A. Mr. Domel -- Mr. and Mrs. Domel -- Domel lent
- 13 money to C I Host, Inc.
- Q. And -- and there was a -- was there an
- 15 | agreement signed?
- 16 A. There was a -- yes. A promissory agreement and
- 17 a security agreement between C I Host, Inc. and the
- 18 Domels.
- 19 Q. I know there is a long history of underlying
- 20 ligation but Domel basically, he -- did he allege that
- 21 there was a default of this note somehow?
- 22 A. Correct.
- 23 Q. And then he purported -- and I'm taking this
- 24 | from his answer to this case, he purported to foreclose
- 25 on some type of perceived security interest on the

```
C I Host mark?
1
2
         Α.
             That's --
3
         Q.
             To your understanding?
             That's what he said he did.
4
5
             Now all this was done in the -- in Travis
         0.
   County litigation, or is that where this underlying
6
7
   settlement agreement and note and secured agreement are
8
   in connection with?
9
         A. Yes, that was.
10
                  MS. THEISS: Objection; mischaracterizes
11
   the facts, compound.
12
                  MR. NIKOLOPOULOS: Got it.
             (BY MR. NIKOLOPOULOS) That -- now this
13
         Q.
14
   settlement agreement, who were the parties to it?
15
         Α.
             Mr. and Mrs. Domel and C I Host, Inc.
         Q.
             You mentioned Mrs. Domel, is she --
16
17
         Α.
             Kimberly.
18
         Q.
             Kimberly --
19
         Α.
             Kim, Kimberly Domel. I'm not sure.
20
         Q.
             Do you recall the security agreement?
2.1
         Α.
             Yes.
2.2
             Do you remember approximately when it was
         Q.
23
   signed or dated?
2.4
             Fall of 2 -- of 1999, Christopher signed it.
25
         Q.
             What did it state as far as what the secured
```

20

21

2.2

Q.

7/1/2014

24

```
collateral was; do you remember?
1
2
         Α.
             The collateral was accounts receivable,
3
   equipment, inventory, intellectual property, machinery.
   It was very -- it was broad, it was just very general.
4
5
            Boilerplate, in a sense?
         Q.
6
         Α.
            Yes.
7
         0.
            Was the C I Host -- was there a specific
8
   addressing of the -- of a C I Host trademark?
             There wasn't a C I Host trademark at that time.
9
         Α.
10
             Was there any intent that the C -- that a
   C I Host mark would be part of the security agreement?
11
12
        Α.
             No.
13
         Q.
             Was there any reference to the goodwill of
14
   C I Host as being part of any secured collateral?
15
        Α.
             No way.
             Let's assume that there was an intent to
16
17
   include an actual trademark as part of the security
   collateral, which you are saying there wasn't?
18
             There wasn't no trademark at that time.
19
```

include the accompanying goodwill along with it? Α. No. No. That's something we built.

Would it have been your intent to transfer or

23 You testified earlier that the C I Host mark Q. 24 was actually registered by C I Host Corporation, 25 correct?

Deposition of: CAROLE FAULKNER

A. Correct.

- Q. And that application was filed in 2000, correct?
- A. Correct. The corporation was started in 2000 then we filed for the trademark right at that same time and then we filed and brought C I Host Corporation into Texas, as an entity, not just a D/B/A, in 2002.
- Q. So at the time of the security agreement there
  was no actual trademark registration or pending
  registration, was there?
- 11 A. No, there wasn't, not at that time. That all 12 happened before.
- Q. So any reference to intellectual property in the security agreement was general in nature?
- 15 A. Yes.
- 16 Q. They didn't spe -- did not specifically refer to any registered mark?
- 18 A. No, because there wasn't one.
- Q. Okay. So this 2000 application, Carole, that you filed, ultimately resulted in a registration four years later, correct?
- 22 A. Yes.
- Q. And you understand, by Mr. Domel's response of pleading in this case, that he is claiming he is the owner of this mark by virtue of -- simply by virtue of a

```
1 security interest foreclosure on August 20, 2008; is 2 that your understanding?
```

- A. That's my understanding.
- Q. So at the time of this purported foreclosure by

  Mr. Domel, the C I Host trademark registration was still

  in effect and owned by C I Host Corporation?
- 7 A. Correct.

- Q. What is the significance of that?
- 9 A. C I Host, Inc. is the one that did business
- 10 | with Domel. And they're the ones that received the
- 11 | money, they are the ones that did the security
- 12 agreement. C I Host Corporation was a totally separate
- 13 entity and it is the one that held the trademark.
- 14 C I Host Inc. never held a trademark.
- Q. Okay. So to the extent C I Host Inc. ever used the mark, how do you explain that?
- A. C I Host Corporation gave them permission to do
- 18 | it. We never complained.
- 19 Q. As far as this foreclosure, do you believe 20 the -- do you believe there was a valid foreclosure?
- 21 A. No, there wasn't.
- Q. And again, I'm asking that question assuming,
- 23 just assuming, that the mark in question was covered,
- 24 | which you claim it is not. But let's just take it in
- 25 the foreclosure.

```
1
        Α.
             Okay.
2
        Q.
             Did you --
3
            Pretend that they had it -- pretend that C I
   Host, Inc. owned it and that Domel had an interest in
5
       Just pretend.
   it?
6
            No, no. That -- I asked a bad question. Let's
        Q.
7
   just --
8
            It was just --
        Α.
9
             Let -- just isolating the foreclosure argument,
10
   without any --
11
        Α.
             Okay.
12
        Q.
           -- without respect to the validity of the
13
   security agreement and the inclusion of the collateral.
14
        Α.
           Okay.
15
             Do you believe that there was a valid
   foreclosure?
16
17
            No, there wasn't.
        Α.
18
             What do you know about the notice of this
19
   foreclosure? I mean, did -- who received notice? Did
20
   you receive notice?
2.1
           No, I did not receive notice. There was no
22
   judicial court order, there was nothing. Nothing.
23
             Do you recall, in the Travis County lawsuit,
```

whether Mr. Domel requested a judicial foreclosure of

24

25

the security interest?

Deposition of: CAROLE FAULKNER

- A. He did at the beginning in the original petition but never anything after that did it come up.
- Q. Do you ever recall a court judgement declaring the availability of a judicial foreclosure?
  - A. There wasn't one. There isn't today.
- Q. Did you ever read the deposition transcript of Gary Domel that I took several months ago?
  - A. No.

1

2

3

4

5

8

- Q. Well, do you recall if -- okay.
- 10 A. I'm sorry.
- 11 Q. That's okay. Had you received the notice of 12 this foreclosure, would you have objected to it in 13 accordance with Texas law?
- 14 A. Yes, of course.
- Q. Has there ever been an assignment of any rights to the C I Host mark to Gary Domel?
- 17 A. No.
- Q. Has there ever been any type of lease-backed
  agreement between you -- between you as the opposer and
  Gary Domel, for use of this mark?
- A. No. There has been -- and nothing between
  Chris and Domel, on the -- there has been no type of
  assignment or lease back.
- Q. Has Gary Domel ever acted consistently with the belief that he is now or ever owned the C I Host mark?

```
Deposition of: CAROLE FAULKNER
```

- 1 A. Not until this.
- Q. Is there significant goodwill attached to the
- 3 | C I Host mark?
- 4 A. Yes, there is.
- Q. Has C I Host ever relinquished or transferred
- 6 | this goodwill to anyone?
- 7 A. No.
- Q. Or otherwise given anyone else the rights to
- 9 use this goodwill?
- 10 A. No. We allowed C I Host, Inc. to continue to
- 11 use the mark and that is because Christopher was CEO of
- 12 C I Host, Inc.
- 13 THE REPORTER: Wait, say that again,
- 14 | Christopher what?
- 15 THE WITNESS: Christopher Faulkner was CEO
- 16 of C I Host, Inc.
- 17 A. And asked for permission to use that mark and
- 18 | it was allowed.
- 19 Q. (BY MR. NIKOLOPOULOS) You may have touched on
- 20 this earlier but should Mr. Domel's trademark
- 21 application be granted, will there be a likelihood of
- 22 | confusion between Mr. Domel's use of that mark, assuming
- 23 he uses it, and your business?
- A. Yes. Because I own the web site, CIHost.com
- 25 and have since the earlier '90s, either Christopher or

```
myself. And we've given C I Host, Inc. permission to
1
   use it at times. And we have given C I Host Corporation
 2
 3
   permission to use it at times for our ownership has
   never changed.
 5
            Why do you believe that Mr. Domel is trying to
   register this mark?
 6
        A. Because he loves harassing Christopher and
 7
8
   myself.
9
                  MS. THEISS: Objection; calls for
10
   speculation.
                  THE WITNESS: Okay.
11
12
                  MR. NIKOLOPOULOS: Okay.
13
                  THE WITNESS: And that one doesn't call for
   speculation.
14
15
                 MR. NIKOLOPOULOS: No, that's okay.
   Objection noted.
16
17
        Q. (BY MR. NIKOLOPOULOS) Do you believe that you
   own a superior right to the trademark C I Host for any
18
   usage of the mark in commerce since 1995?
19
2.0
        A. Yes, I do.
21
            Will you suffer irreparable damage should
2.2
   Mr. Domel be allowed to register this mark in his name?
23
        A. Yes. Because I have an ongoing business right
24
   now, today.
```

Q. Okay. I would like to just briefly go over

```
through some exhibits that you believe support your
1
2
   position.
                  (Exhibit No. 6 was marked.)
3
            (BY MR. NIKOLOPOULOS) Let me show you
4
5
   Exhibit 6. Do you recognize this?
6
        Α.
            Yes.
7
        0.
            What is this?
8
            This is the domain registration and it is
        Α.
9
   this -- demonstrating the ownership of CIHost.com.
10
        Q.
            This is from GoDaddy.com?
            Yes. And they're one of the registrars.
11
12
        0.
            Is there like a range of dates here?
            Yes. It was -- it expires April 26, 2014.
13
        Α.
14
   was updated March 04, '13. April 25, '97 was when it
15
   was created. It shows the domain controls. Those are
   the domain name, NS75 domain controls dot com. Those
16
17
   are GoDaddy's domains. And then it shows that the named
18
   servers we're using is NS propagation net, which is our
19
   servers.
20
                  That's the name of the servers that the
21
   data comes through, the initial ones. And it was
2.2
   updated in March 2, 2010.
23
           And is this a true and correct copy of this
        Q.
24
   printout from GoDaddy?
25
        A. Yes, it is.
```

```
Ο.
             Who does it show to be the registrar?
1
2
        Α.
             That's myself, C.A. Faulkner.
3
        Q.
             Okay.
                  (Exhibit No. 7 was marked.)
4
5
             (BY MR. NIKOLOPOULOS) Let me show you
6
   Exhibit 7. Do you recognize that document?
            Yes.
7
        Α.
8
         Q.
            What is that?
             This is the C I Host web site. And it shows
9
        Α.
10
   that C I Host has a copyright to these materials.
   this was back in 1998. It was copyrighted and we have
11
12
   basically used this web site dated from '95 to 2005.
13
        Q. Is this a true and correct copy of the C I Host
14
   web page that you maintained?
```

A. Yes.

15

16

17

18

19

20

21

2.2

Q. Okay.

A. During those years. And it shows all the copyright notices throughout the years 2007. And it stopped -- at that point in time we got it where it was copyrighted, that materials from C I Host. It does not specify it was C I Host, Inc. It is C I Host.

(Exhibit No. 8 was marked.)

- Q. (BY MR. NIKOLOPOULOS) I have handed you what has been marked as Exhibit 8.
- 25 A. Oh, yes.

- Q. Do you recognize this collection of documents?
- 2 A. Yes.

1

- Q. Okay. What are these?
- 4 A. These are some of the press releases that we
- 5 did back in -- this is 2006 on this one. 2008, 2007,
- 6 | and it is all press releases talking about C I Host is a
- 7 | global leader in the web hosting and development,
- 8 | software development. We also did -- we still do
- 9 | software development.
- 10 Q. Are these true and correct copies of these
- 11 press releases and articles?
- 12 A. Yes, they are. This is when we opened the new
- 13 data center in 2008. And the one that -- where we was
- 14 opening it in 2009, where we were doubling in space.
- 15 And that's when we went into 1851.
- Q. And that's the Bedford address?
- 17 A. I'm sorry, went in that one in 1999. But 2009
- 18 | is when we moved down to John Carpenter Freeway, C I
- 19 Host did.
- 20 Q. Okay.
- 21 A. Into a larger space. These are all up to
- 22 | current, different things throughout the years that we
- 23 did to promote C I Host. And that Christopher did to
- 24 promote C I Host.
- 25 Q. Okay.

```
(Exhibit No. 9 was marked.)
1
2
         Q.
            (BY MR. NIKOLOPOULOS) I'll hand you Exhibit 9.
3
   Do you recognize that document?
             Yes. I filed it.
4
            What is it?
5
         Ο.
            It is the D/B/A for C I Host. And this was
6
         Α.
   done in 2000.
7
8
             Is this a true and correct copy of the Assumed
   Name Certificate?
9
10
        A. Yes, it is.
                  (Exhibit No. 10 was marked.)
11
12
         0.
             (BY MR. NIKOLOPOULOS) And finally, let me show
   you Exhibit 10.
13
14
             This is just a franchise tax report for C I
        Α.
15
   Host, Inc. that was part of some corporate documents --
16
         Q.
            Okay.
17
             -- that shows we were at 1901 Central Drive.
             Is this a true and correct of this franchise
18
19
   information report?
20
        A. Yes, it is.
21
         Q.
             Okay.
22
             And it is signed by Christopher Faulkner.
                                                         And
   this is for C I Host, Inc. And it shows that the
23
2.4
   principle place of business is 1851 Central Drive.
                                                          That
25
   was the data center at that time. And then the 1901
```

```
Central Drive, that was showing the principle office, is
1
   where the offices actually were located, that was across
 2
 3
   the street. And that's what this report is showing.
                  And the 2809 Tower Street, that's a
 4
 5
   registered address for C I Host, Inc.
                  MR. NIKOLOPOULOS: Can we take a quick
 6
   break?
 7
8
                  MS. THEISS: (Moving head up and down.)
                  (Break taken from 10:37 a.m. to 10:55 a.m.)
9
                  (Exhibit No. 11 was marked.)
10
             (BY MR. NIKOLOPOULOS) Carole, let me hand you
11
12
   what's marked as Exhibit 11. Do you recognize that
1.3
   document?
14
        A. Yes.
15
         Q.
            What is that?
             This is the home page for CIHost.com and it was
16
17
   last year and it is probably real similar to what it is
18
   right now. I made some changes over the last year but
   it was a 2013.
19
20
         Q. Is this a true and correct copy of this web
21
   site printout?
2.2
        A. Yes.
             Is there a copyright logo on the bottom?
23
         Q.
24
         Α.
             Yes.
25
         Q.
             Who copy -- who is that? Who copyrighted that?
```

36

```
Oh, yeah, I -- it is copyrighted to me.
Α.
```

2 Q. Okay.

1

3 Α. 2013, C.A. Faulkner.

(Exhibit No. 12 was marked.) 4

- 5 (BY MR. NIKOLOPOULOS) And let me hand you
- 6 Exhibit 12. Do you recognize that document?
- 7 Α. Yes.
- 8 Q. What is that?
- 9 Α. That is the ICANN registration accreditation 10 agreement between C I Host, Inc. and ICANN.
- 11 Is this a true and correct copy of this
- 12 accreditation agreement?
- 13 This is the front page, yes. Α.
- And what is that? What is an IVAN that 14 Q. 15 register accreditation agreement?
- A. It is to register domain names for the 16 17 internet, domain names, WWW domain dot net, dot com.
- 18 Q. Okay. Okay. For these last -- for Exhibit 6
- 19 through 12 that we just went through, are these the
- 2.0 business records of C I Host?
- 2.1 Α. Oh, yes.
- 2.2 Are you a custodian of records for C I Host? Q.
- 23 Yes, I am. Α.
- 24 Were these records made at or near the time by
- 25 someone with knowledge of the record?

```
Α.
           Yes.
1
2
           And were these records kept in the course of a
3
   regularly-conducted activity of C I Host?
           Yes. And it's for C I Host, Inc. and C I Host
4
5
   Corporation document, so.
6
            Was the making of these records the regular
        Ο.
7
   practice of C I Host?
8
        A. Yes, they were.
9
                  MR. NIKOLOPOULOS: I'll pass the witness.
10
                           EXAMINATION
   BY MS. THEISS:
11
12
        Q. Ms. Faulkner, my name is Dawn Theiss and I
   represent Gary Domel. So I believe you testified that
13
14
   you are an owner or officer of two entities; is that
15
   right? C I Host Corporation; is that correct?
           Correct.
16
        Α.
17
           And C I Host, Inc.?
        Ο.
18
        Α.
            Correct.
```

- Q. Where is C I Host Corporation incorporated?
- 20 A. It was in California and I found out that it 21 has -- it is not a valid corporation.
- Q. And what do you mean by that?

A. It was -- we didn't file the paperwork in 2009
for a franchise and we just haven't brought it -- I
still operate just as C I Host.

```
38
```

```
So it was originally incorporated in
1
   California?
2
3
            Yes, in 2000.
            C I --
4
         Q.
5
            C I Host Corporation.
        Α.
           -- Corporation?
6
         Q.
7
        Α.
            Yes.
8
            And then that is the document that you-all
   introduced as Exhibit 3?
9
10
                  MR. NIKOLOPOULOS: Sounds right.
            Yes. C I Host Corporation is Exhibit 3, those
11
12
   are the California --
13
            (BY MS. THEISS) And then Exhibit 2 is a 2002
         Q.
   Articles of Incorporation of C I Host Corporation, which
14
15
   is filed in Texas?
16
        Α.
            Yes.
17
             So are these two separate corporations?
         Q..
18
         Α.
            Yes.
19
         0.
             So there's two -- there's a Texas entity --
20
        Α.
            And then -- and a California.
            -- named C I Host Corporation?
2.1
         Q.
2.2
            Yes.
        Α.
23
         Q.
             And there's a California entity named C I Host
24
   Corporation?
25
        A. Correct.
```

23

24

25

Deposition of: CAROLE FAULKNER

And the California entity, you said, I think, 1 their registration is now lapsed? 2 3 Both of them have. I have not kept C I Host 4 Corporation going. 5 C I Host Corporation in Texas has also lapsed? Q. 6 Just recently, yes. Α. 7 Q. Okay. 8 I have got to file the franchise report. Α. 9 Which of -- was it the Texas corporation or the Q. 10 California corporation that you claim owns the -- owned the C I Host trademark? 11 12 It is the California corporation. So there's also C I Host, Inc., which was 13 Q. 14 incorporated in --15 Α. 1999. -- '99. And that was the entity that was the 16 Q. 17 borrower on a loan from Mr. and Mrs. Domel; is that 18 right? 19 Α. Yes. 20 0. And that was also the transaction in which 21 there was a security agreement executed; is that right? 2.2 Α. Yes.

And then so it was C I Host that gave a

security interest in some -- some property that it owes

to Mr. and Mrs. Domel in connection with the loan?

25

unincorporated?

```
Α.
             Yes.
1
             And the -- I'm assuming then, did you execute a
 2
 3
   security agreement on behalf of C I Host, Inc.?
 4
         Α.
             No.
 5
         0.
             Who was it that signed that security agreement?
 6
        Α.
            Christopher --
 7
        Q.
            Okay.
8
        A. -- Faulkner.
9
             And are you familiar -- you are familiar with
10
   that document, I believe, because you testified about it
   earlier?
11
12
        A. Yes, I am.
             And wouldn't you agree that the terms of the
13
   security agreement control what the actual security is
14
15
   for that loan?
                  MR. NIKOLOPOULOS: I'll object to the form.
16
17
             I be -- I be -- what you are saying, I believe,
18
   that the document controls, yes.
             (BY MS. THEISS) So in 1999, C I Host, Inc. was
19
20
   the only entity that was operating as C I Host; isn't
   that right?
21
22
        A. In Texas, yes.
23
             And so it is your position that there was a
24
   California entity operating as C I Host, that's
```

7/1/2014

41

```
C I Host, yes, Corporation.
```

- 2 Q. And then what was C I Host Corporation, that 3 was not incorporated, what was it doing in California in 1999? 4
- 5 It was also doing it in Texas, was it had some servers and doing some web design, generally the same 6 but a little bit different. 7
- 8 Q. Generally, the same but little bit different than what? 9
- Than C I Host, Inc. 10 Α.
- So in 1999 C I Host, Inc, was an incorporated 11 12 Texas entity that was --
- 13 Α. Yes.

- 14 -- doing business in web hosting and web 15 design?
- 16 Α. Yes.
- 17 And you were also operating an unincorporated California entity doing basically the same thing and 18 19 that entity was operating in Texas at the same time?
- 20 MR. NIKOLOPOULOS: I'm going to object to 21 mischaracterizing.
- 2.2 THE WITNESS: Yeah.
- 23 A. Yeah. No.
- 24 (BY MS. THEISS) Yeah, let me -- that was a 25 terrible question. Let me ask that again.

```
MR. NIKOLOPOULOS: I guess, when you say
1
   unincorporated, I think -- I think the document shows it
 2
 3
   was incorporated. Maybe she said afterwards it was --
 4
   it lost its status. Is that what you mean by
 5
   unincorporated?
                  MS. THEISS: Well, I think she said that
 6
 7
   C I Host Corporation in California was incorporated in
   2000.
8
9
            (BY MS. THEISS) Right?
        Ο.
10
        Α.
             Yes.
             (BY MS. THEISS) But you also testified that
11
        Ο.
12
   prior to 2000 you were operating C I Host Corporation?
           Corporation. Yes. Until it --
13
        Α.
                  MR. NIKOLOPOULOS: Sorry. I misunderstood.
14
15
        Α.
            Yes.
        Q.
            (BY MS. THEISS) Right?
16
             Until it -- until we got it incorporated, yes.
17
        Α.
             And that prior to 2000 it is your position that
18
19
   C I Host Corporation was operating in both Texas and
   California?
2.0
2.1
        Α.
            Yes.
22
            But it had not yet been incorporated?
        Q.
23
        Α.
            Correct.
24
             And also prior to 2000 then, C I Host, Inc. and
25
   C I Host Corporation were doing basically the same thing
```

```
1 in Texas; is that right?
```

- A. There was differences.
- Q. Okay. What were those differences?
- A. Well, C I Host, Inc. was a lot larger. And they had the staff of employees more. They were involved more in the hosting of shared servers at that time and was just building and expanding their data
- 8 center.

- 9 Q. And then what was C I Host Corporation doing?
- A. Web design, some servers on more of a dedicated basis, which was just starting. And they were out of
- 12 | mostly Wilshire Boulevard, in California.
- Q. So C I Host Corporation, prior to 2000, was operating off of an address on Wilshire Boulevard in
- 15 | California?
- 16 A. Yes.
- 17 Q. And where was C I Host, Inc. operating out of?
- A. Central Drive in Bedford. Now we're talking
- 19 | about 2000, right?
- 20 Q. Prior to 2000.
- 21 A. Oh, well, prior to 2000, in 1999 they were on
- 22 | Bedford Road. Prior to the middle of 1999 they were on
- 23 Harwood Road, in Bedford.
- Q. So in 1999 both entities were using the name
- 25 C I Host; is that right?

2.0

25

Α.

Yes.

C I Host, Inc. use the trademark?

, 2011

44

```
Α.
            Yes.
1
2
            And when C I Host Corporation filed the
3
   application that is Exhibit 5, I believe, was that based
   only on -- I'm sorry. Hold on. I may have referred to
4
   the wrong application. Let me ask that question over so
5
   I don't confuse anyone.
6
7
                  It's Exhibit 4, was the original
8
   application?
9
        Α.
            Yes.
10
         Q.
             Do you have Exhibit 4 in front of you?
            Yes, I do.
11
         Α.
12
         0.
            So this is C I Host Corporation?
13
        Α.
            Yes.
14
         0.
             And I believe you said this was the California
15
   entity that filed this application; is that right?
             That's the only C I Host Corporation we had.
16
        Α.
17
         Q.
            At this --
            At that time.
18
         Α.
           -- right, in 2000?
19
         Ο.
```

Q. Okay. And then was this -- this was based then only on C I Host Corporation's use of the trademark?

A. Yes.

Q. And at what point did C I Host start letting

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1

9

10

11

12

13

14

20

4.5

```
We allowed them to use it right away.
Α.
```

- 2 0. So even before C I Host Corporation was 3 incorporated or?
- Yes. We had -- on the Texas Corporation they 4 5 had -- we had asked, yes, we gave them permission to use C I Host. 6
- 7 Was there any writing that evidenced C I Host, 8 Inc.'s, I guess, license to use the trademark?
  - I don't know if we actually did it in format. You have to understand, since 1995, Christopher, Chris Faulkner and/or myself, we've always used the C I Host trademark or the name C I Host. And then we would do the C I Host Corporation. We would incorporate and we would allow that corporation to use the name.
- 15 And the same way as the C I Host, Inc. This is -- the C I Host Corporation owned it, we filed 16 17 it under that trademark, for that trademark. Then 18 C I Host Corporation allowed C I Host, Inc. thereafter 19 to use the name.
  - So C I Host, Inc. --Q.
- 2.1 But it was under -- it was -- I'm sorry. Α.
- 22 No, that was my fault. Q.
- It was -- it was a simultaneous use, means it 23 Α. 24 wasn't an exclusive use.
- 25 Q. So C I Host Corporation, the California entity

```
was the owner of the C I Host trademark?
1
2
        Α.
             Yes.
3
            And C I Host Corporation, the Texas entity, was
   also using the C I Host trademark?
4
5
        Α.
             Yes.
6
         Q.
             And C I Host, Inc., the Texas Corporation, was
7
   also using the Texas trademark?
8
        Α.
            Yes.
9
             I'm sorry. The C I Host trademark?
10
                   That was owned by C I Host Corporation.
             So was anybody else using the C I Host
11
12
   trademark, starting in 2000?
             Besides Chris and myself, no.
13
        Α.
14
         0.
            So were --
15
        Α.
            We controlled it.
            You-all controlled C I Host Corporation?
16
         Q.
17
             Yes.
        Α.
            Both the Texas and the California entities, I'm
18
         0.
19
   assuming?
20
        Α.
            Yes.
21
             And you also controlled C I Host, Inc., the
22
   Texas entity?
23
             He was the CEO, yes, of the organization.
         Α.
24
             And so you were -- were the three entities, the
25
   three C I Host entities that were utilizing the C I Host
```

```
trademark, right?
1
```

Α. Yes.

2

- 3 Were -- you guys weren't personally, outside of those entities, using the C I Host trademark, were you? 4
- 5 The way Chris did some of the interviews, he was promoting the name C I Host. But most of the time 6 7 it was with C I Host, Inc. It --
  - Q. It was on behalf of the entities, C I Host?
- 9 Of C I Host, Inc. Α.
- 10 Q. Okay.
- Yes. But C I Host Corporation continued to do 11 12 advertising using the mark. And search engine optimization, all of that was done with the C I Host 13 14 Corporation and that's what we're still using it as.
- 15 Q. So Mr. Faulkner was -- in using the mark, he was acting on behalf of either C I Host, Inc. or 16 17 C I Host Corporation, one of the two entities with that 18 name?
- 19 MR. NIKOLOPOULOS: Object to the form, speculation. 20
- 2.1 I don't know really how to answer that the way 2.2 that you phrased it. I'm sorry.
- 23 (BY MS. THEISS) So was Mr. Faulkner using the C I Host trademark on behalf of his own individual 24 25 capacity or was he using it on behalf of C I Host, Inc.

three are still operating?

Deposition of: CAROLE FAULKNER

```
48
   or C I Host Corporation?
1
2
                  MR. NIKOLOPOULOS: Same objection.
            We both would use it in our individual
3
   capacities, also as the D/B/As.
4
5
            (BY MS. THEISS) So then what you said before in
   that there were three entities operating as C I Host and
6
7
   now you are also saying that you and your son were also
8
   doing business as C I Host, as individuals?
            We had Assumed Named Certificates for C I Host.
9
        Α.
10
         Q.
            In your individual capacity?
11
        Α.
            Yes.
12
        0.
            And when did you file the Assumed Name
13
   Certificate?
           I'm not for sure.
14
        Α.
15
            Approximately, was it like 2000?
        Q.
            1995.
16
        Α.
17
            So in 1995 Carole Faulkner, individually, filed
        Q.
   an Assumed Name Certificate as C I Host?
18
19
            Probably Chris -- I think it was more like
20
   Christopher -- Carole Faulkner filed on behalf of her
   and Chris Faulkner. '95, '96, in through that period.
21
2.2
        Q. So out of the three entities that we've talked
   about, C I Host Corporation in California, and C I Host
23
24
   Corporation in Texas, and C I Host, Inc., which of the
```

25

Q.

Deposition of: CAROLE FAULKNER

```
C I Host, Inc. in Texas is operating and
1
 2
   C I Host Corporation in California has been forfeited so
 3
   I need to file the paperwork for both of those and bring
   them back.
 4
 5
         Q.
             C I Host Corporation in California?
 6
             Uh-huh. But I'm doing more with C I Host, Inc.
         Α.
 7
         Q.
             So C --
 8
             I'm the sole shareholder of both Corporations.
         Α.
9
             C I Host Corporation in California?
         Q.
10
         Α.
             And C I Host, Inc.
             What about C I Host Corporation in Texas?
11
         0.
12
         Α.
             No.
13
         Q.
             That one is no longer operating?
14
         Α.
             No.
15
             And so when did C I Host Corporation in Texas
         Q.
    stop doing business?
16
17
             I'm not for sure on that exact date.
         Α.
             Was it since 2008?
18
         Ο.
19
             For the Texas corporation, I believe so.
20
   not sure of the date.
21
             So the California corporation, C I Host
22
   Corporation, is currently still doing business but
   primarily you are doing business --
23
24
            As C I Host, Inc.
         Α.
```

And what -- how many employees does C I Host

```
Deposition of: CAROLE FAULKNER
```

```
have?
1
 2
             I don't use employees.
 3
             Do you have any independent contractors that
 4
   you use?
 5
        Α.
             I use independent contractors, vendors.
             How -- vendors?
 6
         Ο.
        Α.
 7
            And independent contractors.
8
        Q.
            And then --
9
            I contract by vendors.
             What -- who are these vendors? What kind of
10
         Ο.
   vendors are they?
11
12
                  MR. NIKOLOPOULOS: I'll object to the
   relevance.
13
        A. I'm not telling you the -- my list of
14
15
   contractors that I utilize. Those are all trade
   secrets.
16
17
         Q. (BY MS. THEISS) So approximately how many
   vendors do you utilize?
18
            I'm not for sure.
19
        Α.
20
         Q.
             Is it more than ten?
2.1
                  MR. NIKOLOPOULOS: Object to the relevance.
2.2
                  MS. THEISS: I'm just trying to get a feel
23
   for --
24
                  MR. NIKOLOPOULOS: No, I know, but --
25
                  MS. THEISS: -- the level of the business
```

```
1
   operation.
2
                  MR. NIKOLOPOULOS: -- because it is a
3
   testimony deposition, I think I have to be evidentiary
4
   with you.
5
                  MS. THEISS: Oh, that's -- yeah, that's
   fine.
6
            I'm not sure.
7
        Α.
8
            (BY MS. THEISS) So currently, are you an
9
   employee of C I Host, Inc.?
10
             I am sole shareholder and chairman of the
   board.
11
12
        0.
            And is Mr. Chris Faulkner an employee?
13
        Α.
            He is the CEO, president of C I Host, Inc.
14
        Q. So both --
15
        Α.
           And he sits on the board.
16
            You are both involved in the operations of
        Ο.
17
   C I Host, Inc.?
        Α.
            Yes.
18
19
        0.
           And is there --
20
        Α.
            More than -- me, more myself.
21
            Is there anyone else that's involved in the
        Q.
22
   business operations of C I Host, Inc.?
23
             The people that I maintain, that I hire to do
        Α.
24
   specific jobs and projects.
25
        Q. And -- okay. How -- approximately, how many
```

- people do you hire on a monthly basis to do specific
  jobs and projects?
- A. It just varies on how busy it is and what comes 4 in.
  - Q. So year to date, approximately, how many people have you hired to do specific jobs and projects?
- 7 A. I am not telling you my business.

MR. NIKOLOPOULOS: Object to relevance.

- 9 A. I am not telling you any of my trade secrets or 10 business.
- Q. (BY MS. THEISS) So is it your position that
  approximately how many people you have hired this year
  is a trade secret?
- A. It is for Domel, yes. I'm not giving him information about my business.
- Q. So you are refusing to answer that question?
- 17 A. Yes.

5

6

- Q. Can you tell me whether you hired more than
  five people this year to do any business or projects on
  behalf of C I Host, Inc.?
- 21 A. I --
- MR. NIKOLOPOULOS: Objection; asked and answered, irrelevant.
- Q. (BY MS. THEISS) Are you refusing to answer that question?

```
I think I have already answered it, several
1
2
   times.
3
             C I Host, Inc., what is the annual revenue for
   C I Host?
4
5
                  MR. NIKOLOPOULOS: Objection; relevance.
             I'm not for sure.
6
        Α.
7
         Q.
             (BY MS. THEISS) And who would be somebody that
8
   would be able to answer that question?
9
             Someone that I would employ or retain.
        Α.
10
             You previously said C I Host doesn't have any
11
   employees.
12
        Α.
             I retain. I use contractors.
13
         Q.
             Do you use a contractor to do the accounting
```

15 A. Yes.

for C I Host, Inc.?

- Q. And who is the accountant that you hire to do the accounting for C I Host, Inc.?
- 18 A. I don't recall at this time.
- Q. Is that something that Mr. Faulkner would know?

  MR. NIKOLOPOULOS: Objection; form.
- 21 A. I don't know what his knowledge is.
- Q. (BY MS. THEISS) Are there any other -- I think
- 23 | you said you're president of the board of C I Host,
- 24 Inc.; is that right?
- A. No. I said I'm chairman of the board.

25

registering domain names.

Deposition of: CAROLE FAULKNER

```
Chairman of the board. And are there any other
1
         0.
2
   board members, other than you and Mr. Faulkner?
3
        Α.
            No.
            And so as you sit here, you can't tell me what
4
         0.
5
   the annual revenue is for the year 2013, for C I Host,
   Inc.?
6
7
                  MR. NIKOLOPOULOS: Objection; asked and
8
   answered, irrelevant.
9
        Q. (BY MS. THEISS) Okay. I'll ask you to look at
10
   Exhibit 12, please. And this is, I think you said, a
   registrar accreditation agreement filed --
11
12
        Α.
           Yes.
13
         Q. -- is it, I quess it is not filed. It is just
14
   entered into by C I Host, Inc.?
15
        Α.
            Yes.
            And so what -- what does this agreement govern?
16
        Q.
17
            To register the domain name of third parties.
        Α.
18
        0.
            And so is that the business of C I Host, Inc.,
19
   currently?
20
        Α.
            No.
21
            So what -- what's the purpose of this
22
   agreement?
23
            It was -- we were in that business for probably
   eight to ten years. And we just recently have stopped
24
```

55

- Q. So the -- this was, I guess, was a December 8, 2 2011, agreement?
  - A. Yes.

3

- Q. And so is this agreement no longer in force, if you are not doing the specifics anymore?
- A. I don't know if it is in force or I just know that we have -- it was a business decision to stop.
  - Q. So --
- 9 A. Doing domain name registration. There
  10 wasn't -- it has gotten too cheap.
- 11 Q. So the domain name registration is too cheap?
- A. Yes. With GoDaddy and doing the volumes, it is too inexpensive.
- Q. Does C I Host Corporation, out of California,
  do they do any registration of domain names?
- A. Not recently. That's -- we've gotten away from that.
- 18 Q. So when was it that C I Host, Inc. stopped?
- 19 A. I don't know the exact date.
- Q. Was it, I guess, after December 2011, I'm assuming?
- 22 A. Oh, yes.
- Q. And then what about C I Host Corporation, when did they stop doing domain name registration?
- 25 A. They would have done it approximately at the

- same time. 1
- 2 Can I ask you to look at Exhibit 11?
- 3 Α. Uh-huh.
- 4 So you said this is the current web site of Q.
- 5 C I Host?
- 6 Α. Yes.
- 7 Q. And is this the web site for C I Host, Inc.?
- 8 Yes. It is www.cihost.com. Α.
- 9 So that's the Texas C I Host, Inc. corporation Q.
- 10 and not C I Host Corporation out of California?
- 11 Α. Correct.
- 12 Q. And then how long has C I Host, Inc. been
- 13 operating this web site?
- '94, '95. 14 Α.
- 15 So what happens when you click on Learn More
- under Dedicated Servers, does that take you to a 16
- 17 C I Host web page?
- 18 It takes you to a web page that gives you more
- 19 information concerning the servers.
- 20 Q. So is that operated -- that's operated by
- 21 another company, not C I Host, right?
- 22 It might be operated by one of my contractors.
- But we control it. And I maintain it the same way as 23
- 24 whenever I want changes to the web site I contact one of
- 25 my contractors, they make the changes to the web site

Deposition of: CAROLE FAULKNER

```
that I send them --
1
2
        Q.
             So --
3
             -- and then it is updated.
             So what is it -- it says our dedicated server
4
5
   offerings, what is it -- is that a service that C I Host
   provides?
6
7
        Α.
            Yes.
8
            And so what is -- can you explain what that --
            A dedicated --
9
        Α.
10
         Q.
            -- business is, please?
             Yes. A dedicated server is when the customer
11
12
   doesn't own the server but he owns the data in the
   server. But he doesn't want to share his server with
13
14
   anyone else. It means that we assign him, okay, this
15
   server right here is yours. They load the data or
   they -- most of the time they employ us to load the
16
17
   software and put their data on it.
18
                  Then once it is loaded in they -- all the
19
   passwords and access is provided to that customer. And
20
   then that customer remotely accesses the server and
   controls it.
2.1
2.2
            So are the servers owned by C I Host, Inc.?
        Q.
23
        Α.
            Yes.
2.4
            And what is co -- I don't even know how to say
         Ο.
25
   the word, colocation?
```

```
Deposition of: CAROLE FAULKNER
```

- A. Colocation. Colocation is where the customer owns the equipment, e-mails, the data inside it. Owns it 100 percent. They're just hooking up and utilizing our bandwidth. So they're renting space in the data center on a rack or a cabinet. And then they're connecting to our bandwidth and then transmitting through our systems.
- Q. And so is there a certain amount of bandwidth that C I Host owns that it --
- 10 A. It varies.
- 11 O. -- it allows their customers to utilize?
- 12 A. It varies on a month-to-month basis.
- Q. So if you -- if you have a company that comes in and wants to buy a certain level of bandwidth, you can acquire more bandwidth and offer that to them?
- 16 A. Yes.
- Q. And are you currently doing any business -- is

  Results to the contract of the contract of
- 20 A. Yes.
- 21 Q. And what is managed services?
- A. Managed services is more like when we -- they
  have -- we have the equipment and everything but they
  want to take it strictly a hands-off. It's like a
  dedicated server only they're saying instead of us

```
remote accessing it, we want you to access it. And when
1
2
  something goes wrong we want you to be able to repair it
3
  and flip the switch and we just pay you for it.
```

And they run more of -- we're more of an independent contractor to them, meaning they tell us, okay, this is what software I want on there, this is what I want you to do. And they pay for that and they get an invoice every month.

- 9 So are you current -- is C I Host, Inc. 10 currently doing business as -- in managed services?
- 11 Α. Yes.

4

5

6

7

8

14

- 12 0. And then is C I Host, Inc. also currently doing 13 business using dedicated servers?
  - Α. Yes.
- 15 And is this business that C I Host, Inc. has Q. been doing, has that been since August of 2008? 16
- I don't know exactly the volume of business but 17 18 they -- this is a type of business that they have been 19 doing since 1995. And -- but it changes with the time.

20 It's like managed services wasn't back in 21 the '90s, it was more -- came up in the late 2000s. 2.2 Dedicated servers started coming in around 2000, 2001.

- Before that was shared servers. Colocations, about that 23
- 24 same time period.
- 25 Q. Could you look at Exhibit 6 for me, please?

```
1
         Α.
             All right.
 2
             I think you said this is the GoDaddy domain
   printout for CIHost.com; is that right?
 3
 4
         Α.
             Yes.
 5
         Q.
            And so does GoDaddy -- are they the owner of
6
   CIHost.com and then you purchase it from them or are
 7
   they just like a --
8
         Α.
             No.
            How does that work?
9
         Q.
10
         Α.
             That -- okay. That is what Exhibit 12,
   C I Host used to register domain names.
11
12
         Q.
             Uh-huh.
             You own -- I own the domain name.
13
         Α.
14
         Q.
            Uh-huh.
15
             But I just have to have a third party go in and
         Α.
   register it with ICANN.
16
17
         Q.
             Uh-huh.
             There's your difference.
18
         Α.
19
         0.
             So, and GoDaddy --
20
         Α.
             And --
21
            -- is the third party?
         Q.
22
             At this moment in time.
         Α.
23
             Okay. And then so since when has GoDaddy been
         Q.
24
   the third party?
```

I'm not for sure exactly when it switched over.

25

Α.

61

- 1 Q. Who did it switch from?
- A. CIHost.com.
- Q. Okay. So back when you-all were doing
- 4 business?

8

- 5 A. Right. When we were registering domain names. 6 We registered all of ours.
- Q. So on the second page it shows, it says domain

name CIHost.com and the registrar is C I Host, Inc.?

- 9 A. Uh-huh.
- 10 Q. So is C I Host, Inc. the registrar, as it says
  11 here?
- 12 A. No, they're not the current registrar. I am.
- 13 Q. So was C I Host, Inc. the original registrar?
- 14 A. (Descriptive sound.)
- Q. Or I'm just curious why they're listed also, on the second page as registrar?
- A. Because it -- C I Host, Inc. used to register
  the names CIHost.com on behalf of -- instead of using
- 19 GoDaddy. C I Host dot -- C I Host, Inc., when they
- 20 stopped doing business with domain names then we
- 21 switched over to having GoDaddy register it.
- 22 That just -- that just gives you who that
- 23 | last registrar is or it was registered through C I Host,
- 24 Inc. That's what that information provides you.
- Q. Could you grab Exhibit 9, please?

25

```
62
        Α.
           Yes.
1
2
            And I think this is an Assumed Name
3
   Certificate?
         Α.
4
           Correct.
5
         Q.
           And this is dated -- let's see, it looks like
   2000 maybe; is that correct?
6
7
        A. Correct.
8
            And then this is -- it says name under which
9
   business or professional services is or will be
   conducted, C I Host?
10
         A. Yes.
11
12
         Q.
            And then it says the name of incorporated
   business or profession is C I Host, Inc.?
13
14
        A. Correct.
15
            So this -- this Assumed Name Certificate, I
   believe was filed on behalf of C I Host, Inc.; is that
16
17
   right?
18
         Α.
            Correct.
19
         Q.
             Okay. Did -- did you individually file an
20
   Assumed Name Certificate as C I Host?
2.1
            Previous to this time, yes.
        Α.
2.2
            Previous to this document?
         Q.
23
        Α.
            Uh-huh.
2.4
         Q. .
            And that was just on behalf of Carole Faulkner?
```

A. Carole or Chris Faulkner.

```
0.
             Or Chris?
1
 2
         Α.
             I would have filed it and signed for it.
 3
         Q.
             But other than on behalf of C I Host, Inc.?
 4
         Α.
             Yes.
 5
         Q.
             The entity?
 6
         Α.
             Yeah.
 7
         Q.
             Okay. Could you take a look at Exhibit 7,
8
   please?
9
         Α.
             (Witness complies.)
10
         Q.
             Is Exhibit 7 what you said were advertising?
11
         Α.
             This --
12
         Q.
             Or are these just web page --
             They're different advertising that talks about
13
         Α.
14
   C I Host on some of the things that we have sponsored,
15
   where we're going to be at, and this is all off of the
   C I Host web site.
16
17
             So this is all available on the C I Host web
         Ο.
   site now?
18
19
             That's probably not now. This was taken from
20
   our files and this was during that time period.
21
             Okay. So some of this is historical --
         Q.
22
         Α.
             Yes.
             -- print-offs from the C I Host web site?
23
         Q.
24
             Yes.
         Α.
25
         Q.
             Now all of this stuff off the C I Host web site
```

```
that's in Exhibit 7, is this C I Host, Inc.'s
1
2
   advertising?
3
             It would be C I Host, Inc. and some probably
4
   C I Host Corporation.
5
             C I Host Corporation, the California entity?
        Q.
6
        Α.
            Yes.
7
            Would any of this be C I Host Corporation, the
8
   Texas entity?
9
             Oh, yes. Most of it is, C I Host, Inc., the
10
   Texas corporation.
            So C I Host, Inc. --
11
        0.
12
        Α.
            Uh-huh.
           -- the Texas Corporation?
13
        Q.
14
            Right. But that's all looking at --
        Α.
15
            But C I Host, Inc. as opposed to C I Host
        Q.
   Corporation?
16
17
             Correct.
        Α.
            So like the first page, is this C I Host, Inc.
18
19
   or C I Host --
20
        Α.
            Most of this is. This is all C I Host, Inc.
21
   Yeah. This is from C I Host, Inc.
22
             So was it for any --
        Q.
23
        Α.
            Some of this. Some of this is from C I Host
24
   Corporation.
25
        Q. But can you -- can you just point out for me,
```

```
just for the record, which ones are from C I Host
1
2
   Corporation?
             I know the back page, 2010, looks like it is
3
   C I Host Corporation, a lot of it is C I Host Corp --
4
5
   Inc.
6
             So the back page --
         Q.
             C I --
7
        Α.
8
         Q.
             -- which says --
9
        Α.
             It looks more like the C I Host Corporation.
10
         Q.
             Okay. But the rest of it, other than the back
11
   page?
12
        Α.
             Appears to be C I Host, Inc.
13
         Q.
             And so the back page, it looks a lot like the
   current C I Host web site?
14
15
        Α.
           Yes.
16
             So does C I Host Corporation also utilize the
         Q.
17
   same web site?
18
         Α.
             CIHost.com, yes.
19
         Ο.
             So C I Host Corporation, the California entity
20
   uses that --
             Because I'm not doing business under the
2.1
22
   C I Host Corporation in California. I'm still -- I'm
   utilizing mostly the C I Host, Inc, corporation.
23
24
             So the back page, which says C I Host and it's
25
   from the web site?
```

66

- A. Yes. For -- in 2010.
- 2 Q. In 2010. So this --

- A. But that isn't the current web site.
- Q. Is this C I Host Corporation the California entity or is this C I Host, Inc. the Texas entity?
- 6 A. This would be C I Host, Inc.
- Q. Okay. So is there any of the documents on Exhibit 7 that are any entity other than C I Host, Inc.?
- 9 A. I don't think so.
- Q. And are there any of the documents in Exhibit 7 that are your individual business D/B/A C I Host?
- A. No, because I'm operating now C I Host, Inc., still going through that.
- Q. So are you currently doing any business
  operations other than through C I Host, Inc. or C I Host
  Corporation?
- A. No. I mean, I operate www.cihost.com. It is owned in my individual name. But I utilize it through the company.
- Q. I'll ask you to look at Exhibit 8. And this is, I believe, also advertising?
- 22 A. Well, no, the press releases.
- Q. Press releases. Okay.
- 24 A. These are articles that appeared in the paper.
- Q. So the first one is an October 9, 2006 article,

```
two pages; is that right? Or press release, I should
1
 2
   say.
 3
         Α.
             Yes.
             And then the second one is a March 13, 2007
 4
 5
   press release; is that right?
 6
         Α.
             Yes.
 7
         0.
             And the third one is a November 11, 2008 press
8
   release?
9
         Α.
             Correct.
10
         Q.
             And then the fourth one is January 23, 2000?
11
         Α.
            Yes.
12
         Q.
             The fifth one is March 21, 2002?
             Correct.
13
         Α.
14
             I guess the sixth one, it looks like
         Q.
15
   November 18, 2002?
16
             All right.
         Α.
17
             And then the sixth one, October 19 -- I don't
18
   think -- I don't see a year on here.
19
         Α.
             All right.
20
         Q.
             Do you know what -- what the -- approximately
21
   the date of the last, it is called Human Billboard
2.2
   Recruits, 800 New Clients for C I Host. Do you know the
23
   date of that one?
2.4
            No, I don't.
         Α.
```

It looks like there are quite a few links in

25

Q.

68

```
1 there from 2003 and 2004. Do you think it would be 2 around that time, 2004?
```

- A. No, it was after that. I just don't know what date. I don't recall the specific date.
  - Q. Would it have been for 2008?
- A. I don't know.

- 7 Q. So are there any of the --
- 8 A. I don't think so.
- 9 Q. -- press releases in Exhibit 8 that have been 10 since August of 2008?
- A. I don't know. I just grabbed some out of the 12 files. I didn't look at the dates.
- 13 Q. But of the ones --
- 14 A. You just said the -- you just gave me the 15 dates.
- Q. Right. Of the ones that are in Exhibit 8, are any of these since August of 2008?
- A. I will have to go back through them and ask to see them. So no. November 2008, October 19, I believe
- 20 that's after 2008. These are just excerpts
- 21 from -- there are mixed years.
- Q. Where is C I Host, Inc.'s current address?
- 23 A. The offices are at 4010 Ambleside Court.
- 24 THE REPORTER: Amble -- say it again,
- 25 | 4010 --

```
THE WITNESS: Ambleside A-m-b-l-e-s-i-d-e.
1
2
            The registered agent is at 2809 Tyler Street,
   Southlake. And then the data center is on Sawtelle
3
   Avenue in L.A. I don't know the exact number.
        Q. (BY MS. THEISS) So does C I Host, Inc. also
5
6
   operate in California?
7
            It doesn't operate but it has a data center
8
   there.
9
            So it owns property in California?
            It has a data center.
10
        Α.
            When you say has a data center, is that
11
12
   property, is it a location?
13
        A. It is a location, yes.
           With -- is it machines?
14
        0.
15
        Α.
            Servers.
            Servers. So it owns those servers that are
16
        Q.
   located in California?
17
            Some of them.
18
19
        Ο.
            And so have they operated at a Valley View
2.0
   address?
2.1
        A. Yes.
2.2
           And where is -- where is the Val -- what is the
        Q. .
   Valley View address?
```

24 A. It's 114 and Valley View -- I'm sorry. 183 and 25 Valley View.

```
What is that?
1
         Q.
2
         Α.
             Irving.
3
         Q.
             Irving. Okay.
4
         Α.
             Yes.
5
             And when did they op -- and what was -- what
         Q.
   was at the Valley View address? Is that an office?
6
7
         Α.
             Yes.
8
             And is that a current office for C I Host,
   Inc.?
9
10
         Α.
             No.
             And so when was that an office for C I Host,
11
   Inc.?
12
13
             I don't recall the exact dates.
         Α.
             Has it been since 2010?
14
         Q.
15
         Α.
             I don't recall the exact dates.
16
             So you don't recall if it has been before or
17
   after 2010?
             No.
18
         Α.
             Has it been since 2000?
19
         Q.
20
         Α.
             I don't recall the exact dates.
21
             You don't recall whether it has been --
         Q.
22
             I know it's been --
         Α.
23
             -- since the year 2000?
         Q.
2.4
             Yes, it has been since 2000 but I don't know
         Α.
25
   when.
```

```
0.
             Who is James Eckels?
1
2
        Α.
             He was an attorney that worked for C I Host,
   Inc.
3
             And when did Mr. Eckels work for C I Host,
4
        Q.
   Inc.?
5
             I'm not sure on the exact dates.
6
        Α.
7
         Q.
            Was he an employee?
8
             I'm not for sure, exactly, if he was a
9
   contractor or an employee.
10
         Q. Did he work for any of the other C I Host
   entities, other than C I Host, Inc.?
11
12
        A. Not that I know of.
             So in your current application, which I believe
13
         Q.
   is Exhibit 5, do you have that in front of you?
14
15
        A. Yes.
            And in this application it is you and
16
17
   Mr. Faulkner as -- in your individual capacities?
18
         Α.
            Correct.
19
         Ο.
            And is this based on your individual use of the
   C I Host mark?
20
2.1
        Α.
            Yes.
22
            And is this also based on the use of C I Host,
23
   Inc.'s use of --
2.4
        A. Yes.
25
         Q. -- the --
```

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Deposition of: CAROLE FAULKNER

```
And C I Host Corporation and the D/B/A
1
2
   C I Host, whoever we allow to use the name, of the
3
   corporations that we controlled. But no third party has
   ever used the name C I Host.
4
5
        Q. And in 2012 didn't you propose a settlement
6
   agreement pursuant to which Mr. and Mrs. Domel assigned
7
   to you their interest in, among other things, the right
8
   and title to the trademark C I Host?
9
        A. No.
10
                  MS. THEISS: All right. I'll take a quick
   break and I think I'm almost done.
11
12
                  MR. NIKOLOPOULOS: Okay.
                  (Break from 11:45 a.m. to 11:54 a.m.)
13
14
             (BY MS. THEISS) Ms. Faulkner, you mentioned
        Ο.
15
   that C I Host, Inc. previously operated out of a Valley
   View Lane address; is that right?
16
17
        Α.
             Yes.
             And was that address 2300 Valley View Lane,
18
         0.
   Suite 100?
19
20
        Α.
            I'm not for sure of the exact number.
2.1
         Q.
            Was the address at 2300 Valley View Lane?
2.2
             I'm not for sure.
        Α.
23
                  MS. THEISS: I'll pass the witness.
2.4
                  MR. NIKOLOPOULOS: No other questions.
25
                  (Proceedings concluded at 11:54 a.m.)
```

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Deposition of: CAROLE FAULKNER



1	CHANGES AND SIGNATURE
2	WITNESS: CAROLE FAULKNER
3	DATE: JULY 1, 2014
4	
5	PAGE LINE CHANGE REASON
6	
7	
8	
9	
10	
11	
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15	
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17	
18	
19	
20	
21	
22	
23	
24	
25	

Deposition of: CAROLE FAULKNER

1		
	deposition and hereby affix my signature that same is	
2	true and correct, except as noted above.	
3		
4	Carole Dolener	
5	CAROLE FAULKNER	
6	*	
7	a *	
8		
9	No changes made Amendment sheet(s) attached	
10		
11	CAROLE FAULKNER, INDIVIDUALLY AND D/B/A C I HOST, AND	
12	CHRISTOPHER FAULKNER, INDIVIDUALLY AND D/B/A C I HOST	
13	Vs. GARY DOMEL	
14		
15	JOB NO. 164722	
16		
17	Subscribed and sworn to before me on this 30th day	
18	of August, 2014.	
19	Our rach :	
20	Jula a Jogue	
21	Notary Public, State of Texas	
22	5/5/17	
23	Commission Expres	
24	JESSICA A. SAGUI	
25	Notary Public, State of Texas My Commission Expires May 05, 2017	

```
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
          BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD
2
   CAROLE FAULKNER,
   INDIVIDUALLY AND D/B/A C I ) In the Matter of
                                ) Application Serial
   HOST, AND CHRISTOPHER
                                 ) No. 85703135
   FAULKNER, INDIVIDUALLY AND
   D/B/A C I HOST,
                                 ) Mark: C I Host
5
                   Opposers,
                                 ) Opposition No. 91210234
6
   VS.
                                 ) Published: February 12,
7
                                 ) 2013
   GARY DOMEL,
8
                   Applicant.
                    REPORTER'S CERTIFICATION
10
                  DEPOSITION OF CAROLE FAULKNER
                          JULY 1, 2014
11
        I, Christy Cortopassi, Certified Shorthand Reporter
12
   in and for the State of Texas, hereby certify to the
13
14
   following:
        That the witness, CAROLE FAULKNER, was duly sworn
15
   by the officer and that the transcript of the oral
16
   deposition is a true record of the testimony given by
17
   the witness;
18
         That the deposition transcript was submitted on
19
                      to the witness or to the attorney
20
   for the witness for examination, signature and return to
21
22
   me by
         That The amount of time used by each party at the
23
   deposition is as follows:
24
   MR. ANDY NIKOLOPOULOS.....00:41
25
```

76

1

3

5

6

7

8

10

11

12

13

14

15

16 17

```
MS. DAWN WHALEN THEISS.....00:48
```

That pursuant to information given to the deposition officer at the time said testimony was taken, the following includes counsel for all parties of record:

MR. ANDY NIKOLOPOULOS, Attorney for Opposers MS. DAWN WHALEN THEISS, Attorney for Applicant GARY DOMEL

That \$ is the deposition officer's charges to the Opposers for preparing the original deposition transcript and any copies of exhibits;

I further certify that I am neither counsel for, related to, nor employed by any of the parties or attorneys in the action in which this proceeding was taken, and further that I am not financially or otherwise interested in the outcome of the action.

Certified to by me this 18th 2014.

18

19

20

21

22

23

24

25

Christy Cortopassi, CSR

Texas CSR No. 6222 Exp: 12/31/2015

Firm Registration No. 343

U.S. LEGAL SUPPORT, INC.

100 Premier Place

5910 N. Central Expressway

Dallas, Texas 75206

214.741.6001

#### annual 53:3 54:5 Α answer 22:24 47:21 52:16,24 53:8 **able** 53:8 59:2 answered 52:23 53:1 54:8 above-styled 1:18 **anybody** 46:11 access 57:19 59:1 anymore 8:2,14 55:5 accesses 57:20 apartment 11:17 accessing 59:1 apologize 18:10 accompanying 24:21 **Apparently 13:8** accountant 53:16 **Appeal** 1:1,24 4:11 75:1 **accounting** 53:13,17 Appearances 3:2 accounts 24:2 appeared 20:18 66:24 accreditation 3:15 36:9,12,15 54:11 **Appears** 65:12 **acquire** 17:7 58:15 **applicant** 1:8 2:8 4:24 15:4 75:8 76:6 acted 28:24 applicants 14:23 acting 47:16 **applicant's** 5:10,15 action 5:8 76:13,15 **application** 1:3 4:20 5:17 6:6 12:10 13:14,17 activities 16:13 13:21 14:2,15,24 15:6,10,17,18,24 16:21 activity 37:3 17:2 20:15,22,24 21:7,11,12 25:2,19 29:21 actual 24:17 25:9 40:14 44:3,5,8,15 71:13,16 75:3 address 15:19 20:21,23 33:16 35:5 43:14 applications 14:20 68:22 69:20,23 70:6 72:16,18,21 applied 5:24 13:10 addressing 24:8 approved 17:2 advertising 17:23 18:2 19:7,10,13 47:12 approximately 23:22 48:15 50:17 51:25 52:5 63:10,13 64:2 66:21 52:12 55:25 67:20 **affix** 74:1 **April** 31:13,14 **agent** 69:2 argument 27:9 ago 8:15 28:7 art 5:20.21 **agree** 40:13 article 66:25 **agreement** 3:15 22:15,16,17 23:7,7,14,20 **articles** 3:9,10 7:11,15 9:2,7 17:24 19:14,15 24:11 25:8,14 26:12 27:13 28:19 36:10,12 33:11 38:14 66:24 36:15 39:21 40:3,5,14 54:11,16,22 55:2,4 asked 27:6 29:17 45:5 52:22 54:7 72:6 **asking** 26:22 ahead 16:24 assign 57:14 **allege** 22:20 assigned 72:6 allow 45:14 72:2 **assignment** 28:15,23 allowed 29:10,18 30:22 45:1,18 associated 18:7,13 **allows** 58:11 **assume** 24:16 **Amble** 68:24 **Assumed** 3:14 34:8 48:9,12,18 62:2,15,20 **Ambleside** 7:20 68:23 69:1 assuming 26:22,23 29:22 40:2 46:19 55:21 **Amendment** 74:9 attached 1:25 29:2 74:9 amount 58:8 75:23 attorney 71:2 75:20 76:6,6 **ANDY** 2:4 75:25 76:6 attorneys 76:13 and/or 10:18 19:25 45:11 **August** 4:21 13:14 26:1 59:16 68:10,17 Angeles 7:22 availability 28:4 anikolopoulos@david-goodman.com 2:7 available 63:17 **Ann** 4:7

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Corporations Section P.O.Box 13697 Austin, Texas 78711-3697



# Office of the Secretary of State

The undersigned, as Secretary of State of Texas, does hereby certify that the attached is a true and correct copy of each document on file in this office as described below:

C I HOST, INC. Filing Number: 152344400

Articles Of Incorporation

February 04, 1999

In testimony whereof, I have hereunto signed my name officially and caused to be impressed hereon the Seal of State at my office in Austin, Texas on February 16, 2011.



Phone: (512) 463-5555

Prepared by: SOS-WEB

Hope Andrade Secretary of State



Come visit us on the internet at http://www.sos.state.tx.us/ Fax: (512) 463-5709

TID: 10266

Dial: 7-1-1 for Relay Services Document: 354979140003

# ARTICLES OF INCORPORATION

FILED
In the Office of the
Secretary of State of Texas

OF

FEB 4 1999

#### C I HOST, INC.

Corporations Section

This corporation is a closed corporation. This Corporation elects to have its' business and affairs managed by the Shareholders rather than by a Board of Directors. The undersigned natural person, of the age of eighteen (18) years or more, acting as incorporator of a corporation under the Texas Business Corporation Act Part Three and Article 12.11, pursuant to the Texas Closed Corporation Law, does hereby adopt the following Articles of Incorporation for such corporation:

#### ARTICLE I

# NAME

The name of the corporation is C I HOST, INC.

# ARTICLE II

#### DURATION

The period of duration of the corporation is perpetual.

#### ARTICLE III

# **PURPOSE**

The purpose for which the corporation is organized is to transact any and all lawful business for which corporations may be incorporated under the Texas Business Corporation Act.

#### ARTICLE IV

#### SHARES

4.01 <u>Number</u>. The aggregate number of shares which the corporation shall have authority to issue is (100,000) shares of common stock at a par value of (\$0.01).

- 4.02 <u>Cumulative Voting Prohibited</u>. Cumulative voting for directors is prohibited, and the directors of the corporation shall be elected by plurality vote.
- 4.03 No Preemptive Rights. No shareholder of this corporation shall, by reason of his holding shares of any class, have any preemptive or preferential right to purchase or subscribe for any shares of any class of this corporation, now or hereafter to be authorized, nor for any of its notes, debentures, bonds or other securities, whether or not the issuance of any such shares, or such notes, debentures, bonds or other securities, would adversely affect the dividend or voting rights of such shareholder, other than such rights, if any, as the Board of directors, at its discretion, may grant to the shareholders to purchase such additional securities; and the Board of directors may issue additional treasury shares of any class of this corporation, or any notes, debentures, bonds or other securities convertible into or carrying options or warrants to purchase shares of any class without offering the same in whole or in part to the existing shareholders of any class.

#### ARTICLE V

# COMMENCEMENT OF BUSINESS

The corporation will not commence business until it has received, for the issuance of its shares, consideration of the value of at lease one thousand dollars (\$1,000.00), consisting of money, labor done, or property actually received.

#### ARTICLE VI

# REGISTERED OFFICE AND AGENT

The street address of the initial registered office of the corporation is 315 Harwood Road, Bedford, Texas 76021. The name of the initial registered agent at that address is Christopher A. Faulkner.

#### ARTICLE VII

# INTERESTED DIRECTORS, OFFICERS AND SHAREHOLDERS

- 7.01 Validity Unaffected. If paragraph 7.02 is satisfied, no contract, act, or transaction between this corporation and any of its directors, officers or shareholders, or any firm, trust, or association in which any of them are directly or indirectly interested, shall be affected or invalidated solely because of this relationship or because of the presence of a directors, officer, or shareholder at the meeting authorizing the contract or transaction, or his participation, or both, in the meeting or authorization, except as may be otherwise provided in Article 2.41 of the Texas Business Corporation Act. No duty to pay damages to this corporation shall be imposed upon any directors, officer, or shareholder of this corporation solely by reason of such fact or facts, regardless of the vote, action, or presence of any such director.
- 7.02 <u>Disclosure</u>, <u>Approval</u>, <u>Fairness</u>. Paragraph 7.01 shall only apply if:
  - (1) The material facts of the relationship of interest of each director is known or disclosed:
    - (a) to the Board of directors, and the board authorizes or ratifies the contract, act, or transaction by a vote of the majority of the directors present (each interested director shall be counted in determining whether a quorum is present, but not counted in determining the majority necessary to carry the vote); or
    - (b) to the shareholders, and they authorize or ratify the contract, act, or transaction by a majority of the disinterested shares present (each such interested person shall be counted for quorum and voting purposes); or
  - (2) the contract, act, or transaction is fair to the corporation as of the time it is authorized or ratified by the Board of directors or the shareholders.
- 7.03 Nonexclusive. This provision shall not be construed to invalidate a contract, act, or transaction which would be valid in the absence of this provision.

#### ARTICLE VIII

#### INDEMNIFICATION

- 8.01 <u>Persons Covered.</u> The corporation shall indemnify, to the extent provided in paragraphs 8.02, 8.04, or 8.06:
  - any person who is or was a director, officer, agent, or employee of the corporation; and
  - (2) any person who serves or served at the corporation's request as a director, officer, agent, employee, partner, venturer, proprietor, or trustee of another corporation or of a partnership, joint venture, sole proprietorship, trust, employee benefit plan or other enterprise.
- 8.02 Extent of Coverage Derivative Suits. In case of a suit by or in the right of the corporation against a person named in paragraph 8.01 by reason of his holding a position named in paragraph 8.01 the corporation shall indemnify such person, if he satisfies the standard in paragraph 8.03, for expenses (including court costs and attorneys' fees, but excluding amounts paid in settlement) actually and reasonably incurred by him in connection with the defense or settlement of the suit.
- 8.03 Requirements for Coverage Derivative Suits. In case of a suit by or in the right of the corporation, a person named in paragraph 8.01 shall be indemnified only if:
  - (1) he is successful on the merits or otherwise; or
  - he acted in good faith in the transaction which is the subject of the suit, and in a manner he reasonably believed to be in, (or not opposed to, but only in cases in which he was not acting in his official capacity as director of the corporation) the best interests of the corporation. However, he shall not. be indemnified in respect to any claim, issue, or matter as to which he has been adjudged (1) liable on the basis that personal benefit was improperly received by him, whether or not the benefit resulted from action taken in his official capacity, or (2) liable to the corporation, unless (and only to the extent that) the court in which the suit was brought shall determine, upon application, that, despite the adjudication but in view of all the circumstances, he is fairly and reasonably entitled to indemnity for such expenses as the court shall deem proper.

- 8.04 Extent of Coverage Nonderivative Suits. In case of a suit, action, or proceeding (whether civil, criminal, administrative, or investigative) other than a suit by or in the right of the corporation, collectively hereafter referred to as a nonderivative suit, against a person named in paragraph 8.01, by reason of his holding a position named in paragraph 8.01, the corporation shall indemnify such person, if he satisfied the standard in paragraph 8.05, for amounts actually and reasonably incurred by him in connection with the defense or settlement of the nonderivative suit as:
  - (1) expenses (including court costs and attorneys' fees);
  - (2) amounts paid in settlement;
  - (3) judgments;
  - (4) fines; and
  - (5) penalties.
- 8.05 Requirements for Coverage Nonderivative Suits. In case of a nonderivative suit, a person named in paragraph 8.01 shall be indemnified only if:
  - (1) he is successful on the merits or otherwise; or
  - (2) he acted in good faith in the transaction which is the subject of the nonderivative suit, and in a manner he reasonably believed to be in, (or not opposed to, but only in cases in which he was not acting in his official capacity as director of the corporation) the best interests of the corporation and, with respect to any criminal action or proceeding, he had no reasonable cause to believe his conduct was unlawful. The termination of nonderivative suit by judgment order, settlement conviction, or upon a plea of nolo contendere or its equivalent shall not, of itself, create a presumption that the person failed to satisfy the standard of this paragraph 8.05(2).
- 8.06 <u>Determination Standard Met.</u> A determination that the standard of paragraph 8.03 or 8.05 has been satisfied may be made by a court. Or, except as stated in paragraph 8.03(2), the determination may be made:
  - (1) by a majority vote of a quorum consisting of directors who at the time of the vote are not named defendants or respondents in the action, suit or proceeding;
  - (2) if such a quorum cannot be obtained, by a majority vote of a committee of the Board of directors, designated to act in the matter by a majority vote of all directors,

- consisting solely of two or more directors who at the time of the vote are not named defendants or respondents in the action, suit, or proceeding;
- (3) by special legal counsel selected by the Board of directors or a committee of the board by vote as set forth in (1) or (2) of this paragraph, or, if such a quorum cannot be obtained and such a committee cannot be established, such selection may be made by a majority vote of all directors; or
  - (4) by the shareholders in a vote that excludes the shares held by directors who are named defendants or respondents in the action, suit, or proceeding.
- 8.07 <u>Proration.</u> Anyone making a determination under paragraph 8.06 may determine that a person has met the standard as to some matters but not as to others, and may reasonably prorate amounts to be indemnified.
- 8.08 Advances. The corporation may pay in advance any expenses (including attorneys' fees) which may become subject to indemnification under paragraph 8.01-07 if:
  - (1) the corporation receives (1) a written affirmation by the director of his good faith belief that he has met the standard of conduct necessary for indemnification under paragraph 8.03 or 8.05 and (2) a written undertaking by or on behalf of the director to repay the amount paid or reimbursed if it is ultimately determined that he has not met those requirements; and
  - (2) a determination that the facts then known to those making the determination would not preclude indemnification under paragraphs 8.01-8.07.
- 8.09 Nonexclusive. The indemnification provided by paragraph 8.01-8.07 shall not be exclusive of any other rights to which a person may be entitled by law, bylaw, agreement, vote of shareholders or disinterested directors, or otherwise.
- 8.10 <u>Continuation</u>. The indemnification and advance payment provided by paragraph 8.01-8.08 shall continue as to a person who has ceased to hold a position named in paragraph 8.01 and shall inure to his heirs, executors, and administrators.
- 8.11 <u>Insurance</u>. The corporation may purchase and maintain insurance on behalf of any person who holds or who has held any position named in paragraph 8.01 against any liability incurred by him in any such position, or arising out of his status as such, whether or not the corporation would have power to indemnify him against such liability under paragraphs 8.01-

8.08.

8.12 Reports. Indemnification payments, advance payments, and insurance payments made under paragraphs 8.01-8.11 shall be reported in writing to the shareholders of the corporation with the next notice of annual meeting or within six (6) month, whichever is sooner.

#### ARTICLE IX

# LIMITATION OF DIRECTOR LIABILITY

If a Board of Directors is established, a director of the corporation will not be liable to the corporation or its shareholders for monetary damages for an act or omission in the director's capacity as a director except that this article does not eliminate nor limit the liability of director for;

- a breach of a director's duty of loyalty to the corporation or its shareholders;
- (2) an act or omission not in good faith or that involves intentional misconduct or a knowing violation of the law;
- (3) a transaction from which a director received an improper benefit, whether or not the benefit resulted from an action taken within the scope of the director's office;
- (4) an act or omission for which the liability of a director is expressly provided for by statute, or
- (5) an act related to an unlawful stock repurchase or payment of a dividend.

# ARTICLE X

#### INITIAL BOARD OF DIRECTORS

The business and affairs of the Corporation shall be managed by the Shareholders rather than a Board of Directors. The initial Board of Directors shall consist of Christopher A. Faulkner, 315c Harwood Road, Bedford, Texas 76021.

# ARTICLE XI

# **BYLAWS**

The initial bylaws shall be adopted by the Shareholders. The power to alter, amend or repeal the bylaws, or adopt new bylaws is vested in the Shareholders pursuant to the Shareholders' Agreement.

#### ARTICLE XII

#### SHAREHOLDERS' AGREEMENT

The closed corporation may be operated and its business and affairs may be conducted under the terms of a Shareholders' Agreement made pursuant to the Texas Closed Corporation Law.

The filing of these Articles of Incorporation serves as a Statement of Operation as a Closed Corporation for C I HOST, INC.

This closed corporation is being operated and it's business and affairs are being conducted under the terms of a Shareholders' Agreement made pursuant to the Texas Closed Corporation Law. Said operation under the shareholders agreement shall commence on the date of incorporation of the closed corporation by the Secretary of State.

#### ARTICLE XIII

#### INCORPORATOR

The name and address of the incorporator is: Christopher A. Faulkner, 315 Harwood Road, Bedford, Texas 76021.

IN WITNESS WHEREOF, I hereunto set my hand this 19 day of

Thomas

Name: Christopher A. Faulkner

Corporations Section P.O.Box 13697 Austin, Texas 78711-3697



# Office of the Secretary of State

The undersigned, as Secretary of State of Texas, does hereby certify that the attached is a true and correct copy of each document on file in this office as described below:

e-Files Corporation Filing Number: 800086282

Articles of Incorporation Articles of Amendment

May 17, 2002 April 18, 2003

In testimony whereof, I have hereunto signed my name officially and caused to be impressed hereon the Seal of State at my office in Austin, Texas on June 30, 2014.



NANDITA BERRY

Nandita Berry Secretary of State



TID: 10266

Dial: 7-1-1 for Relay Services Document: 551284270003

Phone: (512) 463-5555 Prepared by: SOS-WEB

# In the Office of the ARTICLES OF INCORPORATION Secretary of State of Texas

FILED

MAY 1.7 2002

Corporations Section

# C I HOST CORPORATION

of

This corporation is a close corporation. This Corporation elects to have its' business and affairs managed by the Shareholders rather than by a Board of Directors. The undersigned natural person, of the age of eighteen (18) years or more, acting as incorporator of a corporation under the Texas Business Corporation Act Part Three and Article 12.11, pursuant to the Texas Close Corporation Law, does hereby adopt the following Articles of Incorporation for such corporation:

## ARTICLE I

# NAME

The name of the corporation is C I HOST CORPORATION.

# **ARTICLE II**

# DURATION

The period of duration of the corporation is perpetual.

#### ARTICLE III

#### **PURPOSE**

The purpose for which the corporation is organized is to transact any and all lawful business for which corporations may be incorporated under the Texas Business Corporation Act.

#### **ARTICLE IV**

# **SHARES**

- Number. The aggregate number of shares which the corporation shall have authority to issue is (100,000) shares of common stock at a par value of (\$0.01).
- 4.02 <u>Cumulative voting Prohibited</u>. cumulative voting for directors is prohibited, and the directors of the corporation shall be elected by plurality vote.

Page 1

4.03 No Preemptive Rights. No shareholder of this corporation shall, by reason of his holding shares of any class, have any preemptive or preferential right to purchase or subscribe for any shares of any class of this corporation, now or hereafter to be authorized, nor for any of its notes, debentures, bonds or other securities, whether or not the issuance of any such shares, or such notes, debentures, bonds or other securities, would adversely affect the dividend or voting rights of such shareholder, other than such rights, if any, as the Board of directors, at its discretion, may grant to the shareholders to purchase such additional securities; and the Board of directors may issue additional treasury shares of any class of this corporation, or any notes, debentures, bonds or other securities convertible into or carrying options or warrants to purchase shares of any class without offering the same in whole or in part to the existing shareholders of any class.

# ARTICLE V

# COMMENCEMENT OF BUSINESS

The corporation will not commence business until it has received, for the issuance of its shares, consideration of the value of at lease one thousand dollars (\$1,000.00), consisting of money, labor done, or property actually received.

#### ARTICLE VI

#### REGISTERED OFFICE AND AGENT

The street address of the initial registered office of the corporation is 1851 Central Drive, suite 110, Bedford, Texas 76021. The name of the initial registered agent at that address is Christopher Faulkner.

# ARTICLE VII

# INTERESTED DIRECTORS, OFFICERS AND SHAREHOLDERS

7.01 <u>Validity Unaffected</u>. If paragraph 7.02 is satisfied, no contract, act, or transaction between this corporation and any of its directors, officers or shareholders, or any firm, trust, or association in which any of them are directly or indirectly interested, shall be affected or invalidated solely because of this relationship or because of the presence of a directors, officer, or shareholder at the meeting authorizing the contract or transaction, or his participation, or both, in the meeting or authorization, except as may be otherwise provided in Article 2.41 of the Texas Business Corporation Act. No duty to pay damages to this corporation shall be imposed upon any directors, officer, or shareholder of this corporation solely by reason of such fact or facts, regardless of the vote, action, or presence of any such director.

- 7.02 <u>Disclosure</u>, Approval, Fairness. Paragraph 7.01 shall only apply if:
- (1) The material facts of the relationship of interest of each director is known or disclosed:
  - (a) to the Board of directors, and the board authorizes or ratifies the contract, act, or transaction by a vote of the majority of the directors present (each interested director shall be counted in determining whether a quorum is present, but not counted in determining the majority necessary to carry the vote); or
  - (b) to the shareholders, and they authorize or ratify the contract, act, or transaction by a majority of the disinterested shares present (each such interested person shall be counted for quorum and voting purposes); or
- (2) the contract, act, or transaction is fair to the corporation as of the time it is authorized or ratified by the Board of directors or the shareholders.
- 7.03 Nonexclusive. This provision shall not be construed to invalidate a contract, act, or transaction which would be valid in the absence of this provision.

# ARTICLE VIII

# **INDEMNIFICATION**

- 8.01 <u>Persons Covered</u>. The corporation shall indemnify, to the extent provided in paragraphs 8.02, 8.04, or 8.06:
  - (1) any person who is or was a director, officer, agent, or employee of the corporation; and
  - (2) any person who serves or served at the corporation's request as a director, officer, agent, employee, partner, venturer, proprietor, or trustee of another corporation or of a partnership, joint venture, sole proprietorship, trust, employee benefit plan or other enterprise.
- 8.02 Extent of Coverage Derivative Suits. In case of a suit by or in the right of the corporation against a person named in paragraph 8.01 by reason of his holding a position named in paragraph 8.01 the corporation shall indemnify such person, if he satisfies the standard in paragraph 8.03, for expenses (including court costs and attorneys' fees, but excluding amounts paid in settlement) actually and reasonably incurred by him in connection with the defense or settlement of the suit.

- 8.03 Requirements for Coverage Derivative Suits. In case of a suit by or in the right of the corporation, a person named in paragraph 8.01 shall be indemnified only if:
  - (1) he is successful on the merits or otherwise; or
  - (2) he acted in good faith in the transaction which is the subject of the suit, and in a manner he reasonably believed to be in, (or not opposed to, but only in cases in which he was not acting in his official capacity as director of the corporation) the best interests of the corporation. However, he shall not be indemnified in respect to any claim, issue, or matter as to which he has been adjudged (1) liable on the basis that personal benefit was improperly received by him, whether or not the benefit resulted from action taken in his official capacity, or (2) liable to the corporation, unless (and only to the extent that) the court in which the suit was brought shall determine, upon application, that, despite the adjudication but in view of all the circumstances, he is fairly and reasonably entitled to indemnity for such expenses as the court shall deem proper.
- 8.04 Extent of Coverage Nonderivative Suits. In case of a suit, action, or proceeding (whether civil, criminal, administrative, or investigative) other than a suit by or in the right of the corporation, collectively hereafter referred to as a nonderivative suit, against a person named in paragraph 8.01, by reason of his holding a position named in paragraph 8.01, the corporation shall indemnify such person, if he satisfied the standard in paragraph 8.05, for amounts actually and reasonably incurred by him in connection with the defense or settlement of the nonderivative suit as:
  - (1) expenses (including court costs and attorneys' fees);
  - (2) amounts paid in settlement;
  - (3) judgments;
  - (4) fines; and
  - (5) penalties.
- 8.05 Requirements for Coverage Nonderivative Suits. In case of a nonderivative suit, a person named in paragraph 8.01 shall be indemnified only if:
  - (1) he is successful on the merits or otherwise; or
  - (2) he acted in good faith in the transaction which is the subject of the nonderivative suit, and in a manner he reasonably believed to be in, (or not opposed to, but only in cases in which he was not acting in his official capacity as director of the corporation) the best interests of the corporation and, with respect to any criminal action or proceeding, he had no reasonable cause to believe his conduct was unlawful. The termination of nonderivative suit by judgment order, settlement conviction, or upon a plea of nolo contenders or its equivalent shall not, of itself, create a presumption that the person failed to satisfy the standard of this paragraph

8.05(2).

- 8.06 <u>Determination Standard Met</u>. A determination that the standard of paragraph 8.03 or 8.05 has been satisfied may be made by a court. Or, except as stated in paragraph 8.03(2), the determination may be made:
  - (1) by a majority vote of a quorum consisting of directors who at the time of the vote are not named defendants or respondents in the action, suit or proceeding;
  - (2) if such a quorum cannot be obtained, by a majority vote of a committee of the Board of directors, designated to act in the matter by a majority vote of all directors, consisting solely of two or more directors who at the time of the vote are not named defendants or respondents in the action, suit, or proceeding;
  - (3) by special legal counsel selected by the Board of directors or a committee of the board by vote as set forth in (1) or (2) of this paragraph, or, if such a quorum cannot be obtained and such a committee cannot be established, such selection may be made by a majority vote of all directors; or
  - by the shareholders in a vote that excludes the shares held by directors who are named defendants or respondents in the action, suit, or proceeding.
- 8.07 <u>Proration</u>. Anyone making a determination under paragraph 8.06 may determine that a person has met the standard as to some matters but not as to others, and may reasonably prorate amounts to be indemnified.
- 8.08 Advances. The corporation may pay in advance any expenses (including attorneys' fees) which may become subject to indemnification under paragraph 8.01-07 if:
  - (1) the corporation receives (1) a written affirmation by the director of his good faith belief that he has met the standard of conduct necessary for indemnification under paragraph 8.03 or 8.05 and (2) a written undertaking by or on behalf of the director to repay the amount paid or reimbursed if it is ultimately determined that he has not met those requirements; and
  - (2) a determination that the facts then known to those making the determination would not preclude indemnification under paragraphs 8.01-8.07.
- 8.09 <u>Nonexclusive</u>. The indemnification provided by paragraph 8.01-8.07 shall not be exclusive of any other rights to which a person may be entitled by law, bylaw, agreement, vote of shareholders or disinterested directors, or otherwise.
- 8.10 <u>Continuation</u>. The indemnification and advance payment provided by paragraph 8.01-8.08 shall continue as to a person who has ceased to hold a position named in paragraph

- 8.01 and shall inure to his heirs, executors, and administrators.
- 8.11 <u>Insurance</u>. The corporation may purchase and maintain insurance on behalf of any person who holds or who has held any position named in paragraph 8.01 against any liability incurred by him in any such position, or arising out of his status as such, whether or not the corporation would have power to indemnify him against such liability under paragraphs 8.01-808.
- 8.12 <u>Reports</u>. Indemnification payments, advance payments, and insurance payments made under paragraphs 8.01-8.11 shall be reported in writing to the shareholders of the corporation with the next notice of annual meeting or within six (6) month, whichever is sooner.

#### ARTICLE IX

# <u>LIMITATION OF DIRECTOR LIABILITY</u>

If a Board of Directors is established, a director of the corporation will not be liable to the corporation or its shareholders for monetary damages for an act or omission in the director's capacity as a director except that this article does not eliminate nor limit the liability of director for;

- (1) a breach of a director's duty of loyalty to the corporation or its shareholders;
- (2) an act or omission not in good faith or that involves intentional misconduct or a knowing violation of the law;
- (3) a transaction from which a director received an improper benefit, whether or not the benefit resulted from an action taken within the scope of the director's office;
- (4) an act or omission for which the liability of a director is expressly provided for by statute, or
- (5) an act related to an unlawful stock repurchase or payment of a dividend.

### ARTICLE X

# INITIAL BOARD OF DIRECTORS

The business and affairs of the Corporation shall be managed by the Shareholders rather than a Board of Directors. The initial Board of Directors shall consist of Christopher Faulkner.

# **ARTICLE XI**

# **BYLAWS**

The initial bylaws shall be adopted by the Shareholders. The power to alter, amend or repeal the bylaws, or adopt new bylaws is vested in the Shareholders pursuant to the Shareholders' Agreement.

### ARTICLE XII

# SHAREHOLDERS' AGREEMENT

The close corporation may be operated and its business and affairs may be conducted under the terms of a Shareholders' Agreement made pursuant to the Texas Close Corporation Law.

The filing of these Articles of Incorporation serves as a Statement of Operation as a Close Corporation for C I HOST CORPORATION.

This close corporation is being operated and it's business and affairs are being conducted under the terms of a Shareholders' Agreement made pursuant to the Texas Close Corporation Law. Said operation under the shareholders agreement shall commence on the date of incorporation of the close corporation by the Secretary of State.

# ARTICLE XIII

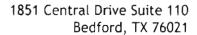
# <u>INCORPORATOR</u>

The name and address of the incorporator is: Christopher Faulkner, 1851 Central Drive, suite 110, Bedford, Texas 76021.

IN WITNESS WHEREOF, I hereunto set my hand this 16th day of May, 2002.

Incorporator

Name: Christopher Faulkner





May 15, 2002

Secretary of State Corporate Section/Statutory Filing Div. P.O. Box 13697 Austin, TX 78711-3697

RE: CIHOST CORPORATION

Dear Sir/Madam:

I, Christopher Faulkner, Registered Agent and President of C I Host, Inc. give permission for C I HOST CORPORATION to use the name or similar name in its incorporated name.

Christopher Faulkner, President C I Host, Inc.

File # 152344400



FILED in the office of the Secretary of State of the State of Colffernia.

OCT 0 2 2000

JONES, Seefglery of State

ARTICLES OF INCORPORATION

OF

C I HOST CORPORATION

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The name of this corporation is:

C I HOST CORPORATION

II

The purpose of this corporation is to engage in any lawful set or activity for which a corporation may be organized under the General Corporation Law of California other than the banking business, the trust company business or the practice of a profession permitted to be incorporated by the California Corporations Code.

III

The name in the State of California of this corporation's initial agent for service of process is: Corporation Service Company which will do business in California as CSC-Lawyers Incorporating Service.

This corporation is authorized to issue only one class of stock; and the total number of shares which this corporation is authorized to issue is:

100,000 At 0.01 Par Value.

Dated: October 2, 2000

Ransom, Incor

I hereby certify that the foregoing transcript of \_\_\_\_\_\_ page(s) is a full, true and correct copy of the original record in the custody of the California Secretary of State's office

AUG 1 5 2013

Date:\_\_\_\_\_

DEBRA BOWEN, Secretary of State

In the office of the Secretary of States of the State of Collection

OCT 0 2 2000

BILL JOHES, Socratory of State

ARTICLES OF INCORPORATION

OF

C I HOST CORPORATION

Ţ

The name of this corporation is:

C I HOST CORPORATION

11

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IV

This corporation is authorized to issue only one class of stock; and the total number of shares which this corporation is authorized to issue is:

100,000 At 0.01 Par Value.

Dated: October 2, 2000

Eric M. Ransom, Incorporator



I hereby certify that the foregoing transcript of \_\_\_\_\_\_ page(s) is a full, true and correct copy of the original record in the custody of the California Secretary of State's office

AUG 1 5 2013

Date:\_

DEBRA BOWEN, Secretary of State

0



# State of California Bill Jones Secretary of State



STATEMENT BY DOMESTIC STOCK CORPORATION

Filing Fee - Please see information section

IMPORTANT - Read instructions Before Completing This Form

CONTACTED PREPRINTED NAME OF ITEM 1/5 BLANK PLEASE ENTER CORPORATE NAME AND NUMBER

02263909 NOTICE DATE 06/07/01 001958 0 I HOST CORPORATION CHRISTOPHER FAULKNER 1851 CENTRAL DR STE 110 BEDFORD, TX 76021 02-275093

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SEP 17 2002

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AN INDIVIDUAL RESIDING IN CALIFORNIA

ACCORPORATION WHICH HAS FILED A CERTIFICATE PURSUANT TO SECTION 1505 OF THE CALIFORNIA COMPORATIONS CODE

COLUMN SECTION 1505 OF THE CALIFORNIA COMPORATION 1505 OF THE CALIFORNIA COM ADDRESS OF THE AGENT FOR SERVICE OF PROCESS IN CALIFORNIA, IF AN INDIVIDUAL ZIP CODE CITY GERRAND CA G DESCRIBE THE TYPE OF BUSINESS OF THE CORPORATION

THE PROPERTY OF THE CORPORATION

DECLARE THAT HAVE EXAMINED THIS STATEMENT AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IT IS TRUE CORRECT AND COMPLETE Christopher Faulkner ORIGINAL SIGNATURE SO-200 NO IREV 11/99. Approved by Secretary of State

RA-100



RA-100 (REV 01/2010)

# State of California Secretary of State

# Resignation of Agent Upon Whom Process May Be Served

R0058386

FILED

in the office of the Secretary of State of the State of California

JAN 1 9 2011

APPROVED BY SECRETARY OF STATE

There is no fee for filing this form.			
IMPORTANT - Read instructions before completing this	s form. This Space For Filling Use Only		
Entity Type (Identify the type of business from which you are resigning as agent for service of process. Check only one box.)			
CORPORATION (domestic or qualified foreign)	REGISTERED GENERAL PARTNERSHIP		
LIMITED LIABILITY COMPANY (domestic or registered foreign	unincorporated association		
LIMITED PARTNERSHIP (domestic or registered foreign)	FOREIGN PARTNERSHIP (other than a foreign limited partnership)		
LIMITED LIABILITY PARTNERSHIP (domestic or registered	foreign) FOREIGN ASSOCIATION		
Entity Name (Enter the name of the entity from whom you are resigning	g as agent for service of process.)		
2. C I HOST CORPORATION			
Entity File Number (Enter the file number issued to the above- named entity by the Secretary of State.)	<b>Jurisdiction</b> (Enter the jurisdiction (state or country) under which the above-named entity was organized.)		
3.	4,		
C2263909	CALIFORNIA		
Statement of Resignation (The following statement declares inter-	t to resign as agent for service of process and should not be attered.)		
<ol><li>THE UNDERSIGNED HEREBY RESIGNS AS AGENT UPON WINAMED ENTITY.</li></ol>	HOM PROCESS MAY BE SERVED IN CALIFORNIA FOR THE ABOVE-		
Execution			
6. I DECLARE I AM THE PERSON WHO EXECUTED THIS INSTRU	MENT, WHICH EXECUTION IS MY ACT AND DEED.		
1/12/11 DATE			
Corporation Service Company which will do business in Califo	ornia as CSC-Lawyers Incorporating Service		
	ration resigning as agent for service of process for the above-named entity)		
SIGNATURE OF DECLARANT or SIGNATURE OF ANTHORIZED REPRESENTATIVE OF DECLARANT (if declarant is a corporation)	Mary Put Joy, Assistant Secretary  TITLE OF OFFICE OF AUTHORIZED REPRESENTATIVE OF DECLARANT (if declarant is a corporation)		

I hereby certify that the foregoing transcript of \_\_\_\_\_ page(s) is a full, true and correct copy of the original record in the custody of the California Secretary of State's office.

AUG 1 5 2013

Date:\_

DEBRA BOWEN, Secretary of State



# State of California Bill Jones

Secretary of State



STATEMENT BY DOMESTIC STOCK CORPORATION

OR ANT - RIGHT THE BETT OF BUILDING COMMISSION THE FORM

C2263909 NOTICE DATE 06/07/01 001958 G I HOST CORPORATION DHRISTOPHER FAUCKNER 1851 CSNTRAL DR STE 110 BEDFORD, TX 76021

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SEP 17 2002

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1851 Central DR #110 Bedford	TX 7602.1
3 STREET ADDRESS OF PRINCIPAL BUSINESS OFFICE IN CALIFORNIA IF ANY DITY 3550 WILSHIML BIV #706 LK	CA 90010
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Christopher FAUIKNER 1851 Contral DR +10 Befferd CAROLO FAUIKNER 1851 Contral DR #110 1300 fee	1 TV - 36821
10 NAME ADDRESS CITY AND STATE	ZIP CODE
11 NUMBER OF VACANCIES ON THE BOARD OF DIRECTIONS FAVO.  12 OHECK THE APPROPRIATE PROVISION BELOW AND NAME THE AGENT FOR SERVICE OF PROCESS.	
AN INDIVIDUAL RESIDING IN CALIFORNIA  **A CORPORATION WHICH HAS IFILED A CERTURICATE PLIESLIANT TO SECTION 1518 OF THE CALIFORNIA C  AGENTS NAME ( SC ( Q ULL O S / A D SOV) ( Q	COMPGRATIONS CODE
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DESCRIBE THE TYPE OF BUSINESS OF THE CORPORATION	
15 DECLARE THAT HAVE EXAMINED THIS STATEMENT AND TO THE BEST OF MY KNOWLEDGE AND BELIEF #1	STRUE CORRECT AND SOMPLETE
TYPE OR PRINT NAME OF SIGNING OFFICER OR GENT ORIGINAL SIGNATURE TITLE	resident S/14/02
SC-200 N/C REV 1199-	Approved by Secretary of State

RA-100



# **State of California Secretary of State**

# Resignation of Agent Upon Whom Process May Be Served

R0058386

in the office of the Secretary of State of the State of California

JAN 1 9 2011

There is no fee for filing this form.			
IMPORTANT – Read instructions before completing this	s form. This Space For Filling Use Only		
Entity Type (Identify the type of business from which you are resigning as agent for service of process. Check only one box.)			
CORPORATION (domestic or qualified foreign)	REGISTERED GENERAL PARTNERSHIP		
LIMITED LIABILITY COMPANY (domestic or registered foreign	unincorporated association		
LIMITED PARTNERSHIP (domestic or registered foreign)	FOREIGN PARTNERSHIP (other than a foreign limited partnership)		
LIMITED LIABILITY PARTNERSHIP (domestic or registered	foreign) FOREIGN ASSOCIATION		
Entity Name (Enter the name of the entity from whom you are resigning	g as agent for service of process.)		
2. C I HOST CORPORATION			
Entity File Number (Enter the file number issued to the above- named entity by the Secretary of State.)	<b>Jurisdiction</b> (Enter the jurisdiction (state or country) under which the above-named entity was organized.)		
3.	4.		
C2263909	CALIFORNIA		
Statement of Resignation (The following statement declares Inter	t to resign as agent for service of process and should not be altered.)		
5. THE UNDERSIGNED HEREBY RESIGNS AS AGENT UPON WANAMED ENTITY.	IOM PROCESS MAY BE SERVED IN CALIFORNIA FOR THE ABOVE-		
Execution			
6. I DECLARE I AM THE PERSON WHO EXECUTED THIS INSTRUIT	MENT, WHICH EXECUTION IS MY ACT AND DEED.		
Corporation Service Company which will do business in California TYPE OR PRINT NAME OF DECLARANT (i.e., the Individual or corpor	ornia as CSC-Lawyers Incorporating Service ration resigning as agent for service of process for the above-named entity)		
SIGNATURE OF DECLARANT or SIGNATURE OF ANTHORIZED REPRESENTATIVE OF DECLARANT (if declarant is a corporation)	Mary Pat Joy, Assistant Secretary  TITLE OF OFFICE OF AUTHORIZED REPRESENTATIVE OF DECLARANT (if declarant is a corporation)		
RA-100 (REV 01/2010)	APPROVED BY SECRETARY OF STATE		

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I hereby certify that the foregoing transcript of \_\_\_\_\_\_\_ page(s) is a full, true and correct copy of the original record in the custody of the California Secretary of State's office.

AUG 1 5 2013

Date:

DEBRA BOWEN, Secretary of State

# State of California Secretary of State

CERTIFICATE OF STATUS

ENTITY NAME:

C I HOST CORPORATION

FILE NUMBER:

C2263909

FORMATION DATE:

10/02/2000

TYPE:

DOMESTIC CORPORATION

JURISDICTION:

CALIFORNIA

STATUS:

SUSPENDED

I, DEBRA BOWEN, Secretary of State of the State of California, hereby certify:

The records of this office indicate the Secretary of State suspended the entity's powers, rights and privileges on February 17, 2005, pursuant to the provisions of the California Corporations Code; the California Franchise Tax Board suspended the entity's powers, rights and privileges on March 02, 2009, pursuant to the provisions of the California Revenue and Taxation Code; and the entity's powers, rights and privileges remain suspended.



IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this day of August 15, 2013.

> **DEBRA BOWEN Secretary of State**

> > PAM

# State of California Secretary of State

CERTIFICATE OF STATUS

ENTITY NAME:

C I HOST CORPORATION

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FORMATION DATE:

10/02/2000

TYPE:

DOMESTIC CORPORATION

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> **DEBRA BOWEN Secretary of State**

> > PAM

# State of California

Secretary of State

# **CERTIFICATE OF FILING**

I, DEBRA BOWEN, Secretary of State of the State of California, hereby certify:

That on the **2nd day of OCTOBER**, **2000**, **C I HOST CORPORATION** became incorporated under the laws of this State by filing its Articles of Incorporation in this office.

**IN WITNESS WHEREOF**, I execute this certificate and affix the Great Seal of the State of California this day of August 15, 2013.



John Bowen

DEBRA BOWEN
Secretary of State

PAM

# State of California

Secretary of State

# **CERTIFICATE OF FILING**

I, DEBRA BOWEN, Secretary of State of the State of California, hereby certify:

That on the **2nd day of OCTOBER, 2000, C I HOST CORPORATION** became incorporated under the laws of this State by filing its Articles of Incorporation in this office.

**IN WITNESS WHEREOF**, I execute this certificate and affix the Great Seal of the State of California this day of August 15, 2013.



Jeha Bowen

DEBRA BOWEN
Secretary of State

PAM

NP-25 (REV 1/2007)



# Secretary of State Business Programs Division

Business Entities - Records, P.O. Box 944260, Sacramento, CA 94244-2600

# **Corporation Status Inquiry**

In response to your request, enclosed is a screen print of the entity record. Please see below for an explanation of the information contained in a screen print and see the reverse side of this notice for a sample of a screen print.

- 1. NAME The domestic entity or foreign entity name as formed, qualified or converted in California.
- 2. CORP NO The identification number assigned by the California Secretary of State.
- 3. **INC. DATE** The date of formation of the *domestic* (California) entity or the date of qualification of the *foreign* (not California) entity doing business in California. If the date is blank, refer to field 13 for the date another business entity converted to this *domestic* entity.
- 4. STATUS The status code for the entity, described as follows:
  - ACTIVE The *domestic* entity is authorized to carry out its business activities in California or the *foreign* entity is authorized to transact intrastate business in California.
  - FTB SUSP (domestic entity only) The domestic entity's powers, rights and privileges were suspended in California by the California Franchise Tax Board for failure to meet franchise tax requirements (e.g., failure to file a return, pay taxes, etc.).
  - FTB FRFT (foreign entity only)— The foreign entity's powers, rights and privileges were forfeited in California by the California Franchise Tax Board for failure to meet franchise tax requirements (e.g., failure to file a return, pay taxes, etc.).
  - SOS SUSP (domestic entity only) The domestic entity's powers, rights and privileges were suspended in California by the California Secretary of State for failure to file the required Statement of Information.
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  - DISSOLVED (domestic entity only) The domestic entity's powers, rights and privileges have ceased in California.
  - MERGED OUT The entity merged into another domestic or foreign business entity.
  - CONV OUT The entity converted to another type of business entity.
  - INACTIVE In most cases, the entity converted to a federal entity or consolidated with another entity to form a single entity.
  - TERM EXP (domestic entity only) The domestic entity's term of existence expired.
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  - CANCELLED The *domestic* entity's formation filing or the *foreign* entity's qualification filing was cancelled by the California Secretary of State because the payment for the filing fee was not honored by the financial institution.
- 5. The type of entity (domestic stock corporation, domestic nonprofit corporation, foreign stock corporation, foreign nonprofit corporation or foreign association).
- 6. **CLASS** (domestic nonprofit corporation only) The statutory classification assigned to a domestic nonprofit corporation based on the corporation documents of record. PB = Public Benefit, MU = Mutual Benefit, RE = Religious, SL = Corporation Sole, OC = Cooperative, AG = Agricultural cooperative and CR = credit union. If the classification code is UN, the corporation has not been classified by the California Secretary of State.
- 7. **CID** (domestic nonprofit corporation only) will display if the corporation is formed to manage a common interest development.
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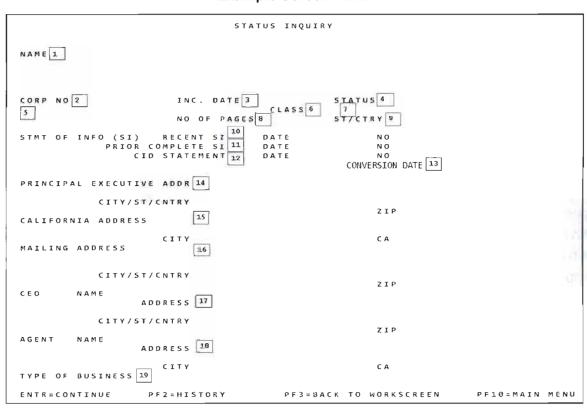
CORP STATUS INQ (Rev. 05/2012)

Page 1 of 2

California Secretary of State www.sos.ca.gov/business/be (916) 657-5448

- 9. ST/CTRY The state or place under which laws the entity was organized.
- 10. **RECENT SI** The type, file date and document number for the most recently filed Statement of Information. "C" is a complete Statement of Information and "N" is a no change Statement of Information. A Statement of Information is a document filed with the California Secretary of State containing information such as entity addresses, names and addresses of officers and/or directors, and the name and address of the agent for service of process.
- 11. PRIOR COMPLETE SI The type, file date and document number for the complete Statement of Information that was filed before the RECENT SI.
- 12. **CID STATEMENT** The file date and document number for the most recently filed Statement by Common Interest Development Association.
- 13. **CONVERSION DATE** The date another business entity converted to this *domestic* entity.
- 14. PRINCIPAL EXECUTIVE ADDR The address of the entity's principal executive office.
- 15. CALIFORNIA ADDRESS The address of the entity's office in California.
- 16. MAILING ADDRESS The mailing address of the entity.
- 17. CEO The name and address of the entity's chief executive officer.
- 18. **AGENT** The name and address of the entity's designated agent for service of process. The agent can be an individual or a corporation. If a *foreign* entity's status is **SURRENDER**, the agent for service of process is automatically revoked.
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# **Example Screen Print**



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A screen print of the entity's history is included if the entity is both California Secretary of State and California Franchise Tax Board suspended or forfeited to provide both suspension dates.

Instructions and fees for ordering certificates and copies of filed documents for a business entity are available on the California Secretary of State's website at www.sos.ca.gov/business/be.

Questions about relief from a California Secretary of State suspension or forfeiture should be directed to the Secretary of State, Statement of Information Unit, P.O. Box 944230, Sacramento CA 94244-2300, (916) 657-5448. Questions about relief from a California Franchise Tax Board suspension or forfeiture should be directed to the Franchise Tax Board, Attention: Revivor Unit, P.O. Box 942857, Sacramento CA 94257-2021, (800) 852-5711.

CORP STATUS INQ (Rev. 05/2012)

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California Secretary of State www.sos.ca.gov/business/be (916) 657-5448

SSCPUB8 STATUS INQUIRY PAGE 1 08/15/13 CPOISTA3 08:46:28.1

NAME C I HOST CORPORATION

CORP NO C2263909 INC. DATE 10/02/2000 STATUS SOS/FTB SP 02/17/2005

DOMESTIC STOCK CLASS

NO OF PAGES 01 ST/CTRY

STMT OF INFO (SI) RECENT SI C DATE 09/17/02 NO 0275093 \*\*AGENT RESIGNED PRIOR COMPLETE SI DATE NO

PRINCIPAL EXECUTIVE ADDR 1851 CENTRAL DR STE 110

CITY/ST/CNTRY BEDFORD TEXAS

ZIP 76021

CALIFORNIA ADDRESS 3550 WILSHIRE BLVD STE 706

CITY LOS ANGELES CA 90010

MAILING ADDRESS

1851 CENTRAL DR STE 110

CITY/ST/CNTRY BEDFORD TEXAS

ZIP 76021

CEO NAME CHRISTOPHER FAULKNER

ADDRESS 1851 CENTRAL DR STE 110

CITY/ST/CNTRY BEDFORD TEXAS

ZIP 76021

AGENT NAME \*\* RESIGNED ON 01/19/2011

ADDRESS

CITY CA

TYPE OF BUSINESS INTERNET HOSTING

ENTR=CONTINUE PF2=HISTORY PF3=BACK TO WORKSCREEN PF10=MAIN MENU



# Secretary of State Business Programs Division

Business Entities - Records, P.O. Box 944260, Sacramento, CA 94244-2600

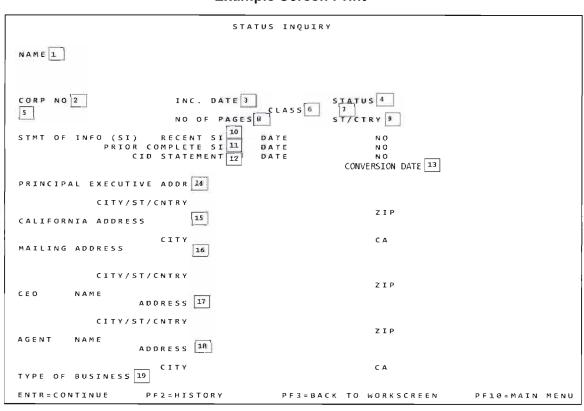
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SSCPUB8 CPOISTA3 STATUS INQUIRY PAGE 1

08/15/13 08:46:28.1

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DOMESTIC STOCK

CLASS NO OF PAGES 01

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### **United States Patent and Trademark Office**

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# Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Mon Apr 8 05:02:46 EDT 2013



Logout Please logout when you are done to release system resources allocated for you.

Start List At:

OR Jump to record:

Record 3 out of 5

TSDR **ASSIGN Status TTAB Status** ( Use the "Back" button of the Internet Browser to return to TESS)

# Typed Drawing

**Word Mark** 

Goods and Services

(CANCELLED) IC 038. US 100 101 104, G & S: E-commerce solutions in the nature of delivery of messages by electronic transmission. FIRST USE: 19950401. FIRST USE IN COMMERCE: 19950401

(CANCELLED) IC 039. US 100 105. G & S: E-commerce solutions in the nature of providing electronic storage space for data and electronic records. FIRST USE: 19950401. FIRST USE IN COMMERCE: 19950401

(CANCELLED) IC 042. US 100 101. G & S; DESIGNING AND IMPLEMENTING WEB SITES FOR OTHERS ON A GLOBAL COMPUTER INFORMATION NETWORK; HOSTING THE WEB SITES OF OTHERS ON A COMPUTER SERVER FOR A GLOBAL COMPUTER NETWORK; GRAPHIC ART DESIGN, COMPUTER SOFTWARE DESIGN FOR OTHERS; AND COMPUTER CONSULTATION. FIRST USE: 19950401. FIRST USE IN COMMERCE: 19950401

Mark Drawing

Code

(1) TYPED DRAWING

Serial Number 78028225

Filing Date

September 29, 2000

Current Basis

Original Filing 1A;1B

Basis

Published for Opposition

July 20, 2004

Registration

2893070

Number Registration

Date

October 12, 2004

Owner

(REGISTRANT) C I Host CORPORATION TEXAS 1851 Central Drive, Su

76021

Carole FoulkA

Assignment Recorded	ASSIGNMENT RECORDED
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "HOST" APART FROM THE MARK AS SHOWN
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	DEAD
Cancellation Date	May 13, 2011
	FREE FORM BROWSE DICT SEARCH OG TOP HELP PREV LEGT CURR LIST OF DOG PREV DOG NEXT DOG LAST DOG

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# United States Patent and Trademark Office

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# Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Mon Apr 8 05:02:46 EDT 2013



Logout Please logout when you are done to release system resources allocated for you.

Start List At:

OR Jump to record:

Record 2 out of 5

ASSIGN Status TTAB Status ( Use the "Back" button of the Internet Browser to return to TESS)

# C I Host

Word Mark CIHOST

Services

Goods and IC 042. US 100 101. G & S: Application service provider (ASP), namely, hosting computer software applications of others; Computer services, namely, cloud hosting provider services; Computer services, namely, interactive hosting services which allow the user to publish and share their own content and images on-line; Consulting services in the field of hosting computer software applications; Design, creation, hosting and maintenance of internet sites for third parties; Design, creation, hosting, maintenance of websites for others; Developing and hosting a server on a global computer network for the purpose of facilitating e-commerce via such a server; Hosting internet sites for others; Hosting of digital content on the Internet; Hosting of web sites; Hosting the software, websites and other computer applications of others on a virtual private server, Hosting the web sites of others on a computer server for a global computer network; Hosting websites on the Internet; Maintenance of websites and hosting on-line web facilities for others; Providing an online website for creating and hosting micro websites for businesses; Technical support services, namely, remote administration and management of in-house and hosted datacenter devices, databases and software applications; Web site hosting services. FIRST USE: 19950501. FIRST USE IN COMMERCE: 19950501

Standard Characters Claimed

Mark Drawing

(4) STANDARD CHARACTER MARK

Code

Serial Number

85732638

Filing Date September 19, 2012

Current



CURR LIST

HELP PORTY LAST

Basis 1A Original Filing Basis

Owner

(APPLICANT) Faulkner, Carole DBA C I Host INDIVIDUAL UNITED STATES 4010 Ambleside Ct

Colleyville TEXAS 76034

(APPLICANT) Faulkner, Christopher DBA C I Host INDIVIDUAL UNITED STATES 2809 Tyler Street

Southlake TEXAS 76092

Attorney of Record

Carole Faulkner

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Live/Dead

LIVE

Indicator

IVE

TESS HOME NEW USER STRUCTURED FREE FORM DROWSHOLD SEARCH OG

MEAT LIST FIRST DOC PREV DOC NEXT DOC LAST DOC

| .HOME | SITE INDEX | SEARCH | BUSINESS | HELP | PRIVACY POLICY

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Commercials | Deals | Bob's Blog Web Tools

WHOIS search results for: CIHOST.COM

(Redistered)

The data contained in GoDaddy.com, LLC's WHOIS database, while believed by the company to be reliable, is provided "as is" with no guarantee or warranties regarding its accuracy. This information is provided for the sole purpose of assisting you in obtaining information about domain name registration records. Any use of this data for any other purpose is expressly forbidden without the prior written permission of GoDaddy.com, LLC. By submitting an inquiry, you agree to these terms of usage and limitations of warranty. In particular, you agree not to use this data to allow, enable, or otherwise make possible, dissemination or collection of this data, in part or in its entirety, for eny purpose, such as the transmission of unsolicited advertising and solicitations of any kind, including spam. You further agree not to use this data to enable high volume, automated or robotic electronic processes designed to collect or compile this data for any purpose, including mining this data for your own personal or commercial purposes.

Please note: the registrant of the domain name is specified in the "registrant" field. In most cases, GoDaddy.com, LLC is not the registrant of domain names listed in this database.

Registered through: GoDaddy.com, LLC (http://www.godaddy.com) Domain Name: CIHOST,COM Created on: 25-Apr-97 Expires on: 26-Apr-14 Last Updated on: 04-Mar-13

Registrant: C.A. Faulkner 4010 Amble Side Ct. Colleyville, Texas 76034 United States

Administrative Contact: Faulkner, C.A. [aulknerlegal@yahoo.com 4010 Amble Sida Ct. Colleyville, Texas 76034 United States +1.8885062568

Technical Contact: Faulkner, C.A. faulknerlagal@yahoo.com 4010 Amble Side Ct. Colleyville, Texas 76034 United States 41.8885062568

Domain servers in listed order. NS75.DOMAINCONTROL.COM NS76.DOMAINCONTROL.COM

Registry Status: clientDeteteProhibited Registry Status: clientRenewProhibited Registry Status: clientTransferProhibited Registry Status: clientUpdateProhibited

See Underlying Registry Data Report Invalid Whois Is this your domain? Add hosting, email and more. Want to buy this domain? Get It with our Domain Buy service.

# Domain already taken?

Enter domain name





#### NameMatch Recommendations

GoDaddy.com NameMatch has found similar domain names related to your search. Registering multiple domain names may help protect your online brand and enable you to capture more Web traffic, which you can then direct to your primary domain.

#### Domains available for new registration:

	Alternate TLDs		
	cihost.co	SAVE!	\$12.99/yr
Her.	cihosLinfo	SAVE!	\$2.99*/yr
	chostica		\$12.99/yr
ij	cihost.me	SAVE!	\$9.99/yr
	cihost.us	SAVE!	\$3.99/yr
	cihost ws		\$15.99/yr
	cihost.biz	SAVE	\$5.99*/yr
71	citiosumobil	SAVE!	\$9.99*/yr
	Similar Premium Domains		
	HostAgencies.com		\$1,499.00*
	YoursHost.com		\$649.00*
	InternetsHost.com		\$499.00*
d	HøstLtd.com		\$4,888,00*
3	HostUp.org		\$1,617.00*
	HostBackup.com		\$3,888.00*

#### Domains available at Go Daddy Auctions®

IJ	hosidepot.com Ends on: 6/7/2013 9:50:00 AM PDT	\$1,500.00*
200	THIS OIL WITEOUT S.SO.OF AND P.D.	31,300.00
O	<u>zipihost com</u> Ends on: 6/6/2013 9:19:00 PM PDT	\$1,250.00°
O	<u>Cwihost.com</u> Ends on: 6/4/2013 9:11:00 AM PDT	\$4,500.00*
	<u>finast.com</u> Ends an: 5/29/2013 10:00:00 PM PDT	\$800.00*
	ihostscripts.com Ends on: 5/29/2013 9:36:00 AM PDT	\$777.00*
O	<u>ihostwo.com</u> Ends on: 5/29/2013 9:22:00 AM PDT	\$1,777,00*
	the state of the s	

#### Learn more about

Private Registration

Business Registration

Plus (GANN fee of \$0.18 per domain name year

Protected Re EXHIBIT CC

### cihost.com

Whois Server Version 2.0

Domain names in the .com and .net domains can now be registered with many different competing registrars. Go to http://www.internic.net for detailed information.

Domain Name: CIHOST.COM Registrar: C 1 HOST, INC. Whois Server: whois.cihost.com

Referral URL: http://cassiopela.propagation.net Name Server: NS.PROPAGATION.NET Name Server: NS2.PROPAGATION.NET

Status: ok

Updated Date: 02-mar-2010 Creation Date: 26-apr-1997 Expiration Date: 27-apr-2013

>>> Last update of whois database: Mon, 14 May 2012 20:46:16 UTC <<<

NOTICE: The expiration date displayed in this record is the date the registrar's sponsorship of the domain name registration in the registry is currently set to expire. This date does not necessarily reflect the expiration date of the domain name registrant's agreement with the sponsoring registrar. Users may consult the sponsoring registrar's Whois database to view the registrar's reported date of expiration for this registration.

TERMS OF USE: You are not authorized to access or query our Whois database through the use of electronic processes that are high-volume and automated except as reasonably necessary to register domain names or modify existing registrations; the Data in VeriSign Global Registry Services' ("VeriSign") Whois database is provided by VeriSign for information purposes only, and to assist persons in obtaining information about or related to a domain name registration record. VeriSign does not guarantee its accuracy. By submitting a Whois query, you agree to abide by the following terms of use: You agree that you may use this Data only for lawful purposes and that under no circumstances will you use this Data to: (1) allow, enable, or otherwise support the transmission of mass unsolicited, commercial advertising or solicitations via e-mail, telephone, or facsimile; or (2) enable high volume, automated, electronic processes that apply to VeriSign (or its computer systems). The compilation, repackaging, dissemination or other use of this Data is expressly prohibited without the prior written consent of VeriSign. You agree not to use electronic processes that are automated and high-volume to access or query the Whois database except as reasonably necessary to register domain names or modify existing registrations. VeriSign reserves the right to restrict your access to the Whois database in its sole discretion to ensure operational stability. VeriSign may restrict or terminate your access to the Whois database for failure to abide by these terms of use. VeriSign reserves the right to modify these terms at any time.

The Registry database contains ONLY .COM, .NET, .EDU domains and Registrars.



# Welcome.

C I Host is a Managed Web Hosting, Dedicated Hosting and Colocation Solutions provider serving 220,000 individual consumers and SMBs in 190 countries worldwide. We are experts in managed web hosting, enterprise dedicated servers and single and multiple server colocation. C I Host has the broadest portfolio of managed Web hosting and data center colocation services in the industry.

C I Host owns and operates four diverse Web hosting data center facilities, with our main Web hosting, dedicated server and colocation facility and Network Operations Center in Dallas, Texas. Our other data centers in Los Angeles, Chicago and New York offer all of our core solutions including colocation, shared Web hosting, dedicated servers, e-commerce web hosting and business Internet connectivity.

Please take the time to look at the managed Web hosting, dedicated servers and colocation solutions we provide and feel free to contact us with any questions. Click a button below to continue.



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C I Host - Managed Web Hosting, Dedicated Servers and Data Center Coloration





#### Domain Name Search

If you already have a Web address in mind anter a here to see if d is available. (Be sure to include com, net or org. at the end

cihost.com

Search

# Rated #3 and #4 in the World

C I Host leads the web hosting industry by providing and upholding true commitment to customer care. The belief that customer satisfaction and trust are the key factors to our success makes C I Host the premier choice for consumers and businesses in over 126 countries worldwide, C I Host is also consistently rated in the Top 3 & Top 4 of 15,000+ hosting companies by HostIndex and The Ultimate Web Host List. Speed, reliability, affordable pricing and superior customer service are the hallmark of success at C I Host.

# **COMDEX Fall '99**

C I Host is proud to be the Gold Sponsor of the Internet Services Pavilion at this year's COMDEX being held November 15-19 in Las Vegas. Stop by our COMDEX booth at ISB17 or our Linux Expo booth at 300 for your chance to win free cruises, computers and round-trip airfare. We'll see you in Vegas!

More Details

# Keywords

Need help induce a Web address? Enter leywords about you or your commany



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### C I Host Sponsors Evander Holyfield

C I Host presents another first in the web hosting industry; C I Host is a proud sponsor of World Heavyweight Champion Evander Holyfield for the upcoming heavyweight championship fight against Lennox Lewis on November 13 In Las Vegas, Look for C I Host's name on the back of Evander's waistband during the International coverage of this premiere sporting event. This is just one more example of how C I Host is in the ring every-day, seeking innovations in quality and service for you.

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#### WebHostList.com Top 4

"One of the Nation's leading hosting companies ... allowing you to grow at your own pace." Click here.

Web Host Guild Charter Member WHG is an organization designed to set standards for web host companies in reliability.

Press Room Want to see what C I Host has been up to? Check out our recent press releases.

speed and support.











# C I Host Expands Customer Service

In a continued effort to meet growing client demand, C I Host, a Dallas-based leader in virtual web hosting, has announced the launch of <a href="https://www.cisupport.com">www.cisupport.com</a>, a brand new customer support site aimed at better servicing their current 38,000 customers as well as others venturing online.

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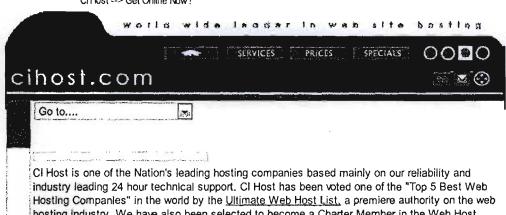
Your account will be setup in less than 12 hours or we will waive your setup fees! Plus it's 100% satisfaction guaranteed or your money back.

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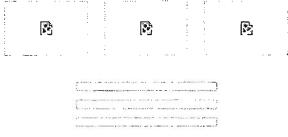
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industry leading 24 hour technical support. CI Host has been woted one of the "Top 5 Best Web Hosting Companies" in the world by the <u>Ultimate Web Host List</u>, a premiere authority on the web hosting Industry. We have also been selected to become a Charter Member in the <u>Web Host Guild</u>, an organization designed to set to standards for web host companies in reliability, speed and support. We offer several different hosting packages—catering to everyone from the individual user all the way up to the corporate business. However, we offer the most space for the lowest price. Therefore we allow our customers the ability to expand their Internet presence without the worries of having to purchase additional server space. Another benefit of choosing CI Host is that we have the ability to host domain extensions from all of the countries in the world! Since CI Host has an internet presence in over 100 countries worldwide, we are proud to assist with our foreign customers by offering Technical Support and Sales information in Spanish via electronic mail and toll free telephone. Look at our "prices" and "features" pages, you'll see what we mean! Account setup is hassle free, as we take and process orders 24 hours a day through our online forms. Your account will be setup in 12 hours or less, or we will waive your setup fees!



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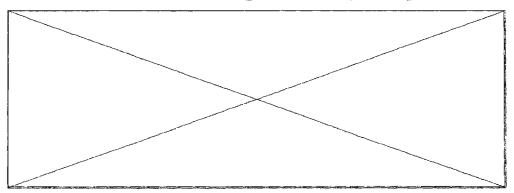
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# #1 Web Hosting Company



C I Host provides more than 250,000 consumers and small and medium sized business in 190 countries with managed web hosting, dedicated server and colocation solutions.

With expertise in managed web hosting, single and multiple server colocation and enterprise dedicated servers, C I Host has the most extensive portfolio of data center colocation and managed Web hosting services in the industry.

Each of our four data centers offers all our core solutions – colocation, shared Web hosting, dedicated servers, e-commerce solutions and business Internet connectivity.

Our state-of-the-art data centers include our main Network Operations Center is in Dallas and our full-service centers in Los Angeles, Chicago and New York.

Please take a moment to explore the managed Web hosting, dedicated servers and colocation solutions that we provide. Feel free to contact us with any questions.



# Daily Web Hosting Specials

#### Shared Hosting **Dedicated Servers** Colocation Services Other Packages Other Packages Other Packages Starter Linux Server 0 Linux **Family Colocation** · 250 GB Bandwidth · 3000 GB Transfer Per Month · 3500 GB Transfer Per Month · 100 Email Accounts · 80 GB ULTRA ATA/133 Hard Drive · 8 IPs included · Switched 100Mbps 8,000 MB Storage · Single Intel Celeron 2.6 GHz -512MB of RAM · Plus much more · Plus much more · Plus much more \$11 .91 per mon. \$99 .95 per mon. \$99 .00 per mon. More Information More Information More Information

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Shared Hosting Other Packages	Dedicated Servers Other Packages	Colocation Services Other Packages
Starter Linux - 250 GB Bandwidth - 100 Email Accounts - 8,000 MB Storage - Plus much more	Server 0 Linux -11 Mbps (billed @ 95th percentile) -160 GB SATA Hard Drive -Intel PentiumD 820 2.8 GHz 800 MHz FSB -2 GB DDR2 RAM	Family Colocation - 3500 GB Transfer Per Month - 8 IPs included - Switched 100Mbps - Plus much more
\$11.91 per mon.  More Information	Plus much more \$224 .00 per mon. More Information	\$99 .95 per mon.  ( More Information

Copyright © 2007 C I Host. All Rights Reserved. Privacy Policy C I Host is a managed web hosting and colocation solutions provider operating data center and web hosting facilities in Dallas, Los Angeles and Chicago.

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Partner with CI Host for a wide array of programs designed to increase your income.



### Highlighted Packages

### Shared Hosting

(Other Packages)

Starter Linux -250 GB Bandwidth . 100 Email Accounts - 8,000 MB Storage

· Plus much more

\$11.91 per mon.

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**Dedicated Servers** 

Other Packages

Server 0 Linux -11 Mbps (billed @ 95th percentile) · 160 GB SATA Hard Drive · Intel PentiumD 820 2.8 GHz 800 MHz FS<sub>B</sub>

> 2 GB DDR2 RAM · Plus much more

\$149.00 per mon.

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Colocation Services

Other Packages

**Family Colocation** · 3500 GB Transfer Per Month ·8 IPsinduded

Switched 100Mbps · Plus much more

\$99.95 per mon.

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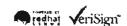
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With 13 years of expertise in managed web hosting, single and multiple server colocation and enterprise managed dedicated servers, we have the most extensive portfolio of data center colocation and managed Web hosting services in the industry.

Each of our data centers offer a full spectrum of services - server colocation, clustered and load balanced servers, shared Web hosting, managed dedicated servers, unmanaged dedicated and business Internet connectivity.

Our state-of-the-art data centers include our main Network Operations Center in Dallas, Texas and our full-service data center and web hosting facility in Los Angeles, California.

Please take a moment to fully explore the managed Web hosting, full service dedicated servers and server colocation services that we provide.

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Our dedicated server offerings address customer needs for stability and complete server management. From single-server plans to multi-server Business Continuity solutions, our experienced technical staff will support you at every stage.

### Management management and a

### Colocation

Our colocation services offer your business advanced hosting infrastructure in our Data Centers backed by experienced technical support. With reliable and secure Colocation service, we keep customers' servers online by protecting them from catastrophic environmental failure.

### Selection of the select

### Managed Services

Every server platform is custom-built to your business hosting needs and specifications using our process to Assess, Design, Implement and Manage. Complementary managed and professional services create a holistic solution for any complex hosting need.

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## C I Host Named #9 in Web-hosting Companies World-Wide by HostReview

FORT WORTH (October 09, 2006)

C I Host, a global leader in web hosting and Internet solutions, has been named one of the top web hosting companies in the world by HostReview. C I Host, with more than 250,000 clients in 182 countries, was ranked #9 web hosting company for September.

"We are pleased to see that our customers have responded to our upgrades on our service platforms and customer service department," said Christopher Faulkner, CEO of C I Host. "An award from HostReview is much-sought after and valued because of its reliance on customer opinion."

HostReview's Best Web Hosting Awards are based on the overall performance of the selected companies, including the plans, prices, uptime, guarantee and customer support. The awards also take into consideration web hosting reviews and the online presence of the companies.

C ! Host has four state-of-the art data centers and offers a comprehensive range of hosting solutions, from shared hosting the dedicated, managed solutions.

Since it beginning, C I Host has put its customers at the center of its business. It led the way in qualitycontrolled customer service departments and continues to survey its customers for their needs and

"Our customers are the most important part of our business," Faulkner said. "When they are successful, we are successful."

### **About C I Host**

C I Host ( www.cihost.com ), based in the Dallas/Fort Worth area is a Web hosting and Internet solutions provider, domain name registrar (DNR) and application service provider (ASP) hosting hundreds of thousands of domains around the world.

C I Host creates business-class Web hosting solutions for the small- and medium-enterprise (SME) market, with the broadest portfolio of managed hosting and value-added services in the industry. C I Host is accredited by ICANN to register domain names.

C I Host operates three data centers across the United States, with its main facility and Network Operations Center in Bedford, Texas. C I Host also has offices and datacenters in Los Angeles and Chicago.

### **Editorial Contact**

Siobhan Devlin C I Host



C I Host | Press Releases - Small Business Web Page Hosting and Colocation Solutions for Companies

Business Strategy Consultant 817-803-2069 siobhand@cihost.com

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### C I Host Named Number One Web Hosting Company in Dallas Business Journal's Annual "Book Of Lists"

FORT WORTH (March 13, 2007)

FORT WORTH (March 13, 2007) - C I Host, a global leader in Web hosting and software development, has been named the number one Web hosting company in the Dallas/Fort Worth Metroplex by the Dallas Business Journal in its annual "Book of Lists."

"We are pleased and honored to be chosen by the Journal as the top Web hosting company," said Christopher Faulkner, CEO of C I Host. "The Dallas/Fort Worth Metroplex is one of the top business markets in the country and it is fertile soil, allowing us to grow worldwide."

The Dallas Business Journal determines which companies win a coveted spot on its list by reviewing revenue and overall industry growth.

A combination of business acumen, putting the customer first and a solid financial foundation has enabled C I Host to grow consistently throughout the ups and downs of the economic cycle over the past nine years.

"We've grown, expanded and stayed ahead of the curve in the industry," Faulkner said. "We consistently put our customers at the center of our company and make sure that giving them the tools to succeed is guiding our decisions."

Over the past year, C I Host has expanded its core data center in Bedford for the fourth time and formed a strategic partnership with lomega Corporation, a global leader in data protection and developer of OfficeScreen managed services, and developed an anti-scam toolbar and other strategies to protect Internet users from Internet crime.

As part of its expanding services, C I Host pioneered the use of web-based technology to expand the market for musicians and artists to sell their products and services and to help nonprofit organizations linked with the arts to raise funds to help those hurt by national disasters.

"This is an exciting time to be part of the information technology and eCommerce industry," Faulkner said. "We are working consistently to keep the Internet healthy, secure and accessible."

### About C I Host

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## C I Host Invests for Growth, Expands Operations with New Texas Datacenter Facility

FORT WORTH (November 11, 2008)

Company implements 11 years of best practices and better technology for customers

Today, C I Host announced a new datacenter facility scheduled to open in 2009 in Dallas, Texas. The new facility maximizes best practices from the company's 11 years in business, along with providing improved technology to customers. The company continues to offer industry-leading services for the same low prices. The new datacenter facilities expand the company's capabilities while consolidating operations to more efficiently serve customers worldwide.

The new datacenter facilities represent a transformation for the company, as the datacenter is built out for maximum performance, efficiency and availability for the customer - all before customers are ever moved in.

"CI Host is a pioneer in the Web hosting industry and we have the opportunity to use more than a decade of experiences to build a customer's ideal datacenter from the ground up - and then deliver it to them," said Erin Bullock, Executive Director of Business Development for CI Host.;

The new facilities, which will open in February 2009, boast 60,000 square feet of space with diverse electrical feeds and fiber entrances, while a 1.5-megawatt power transformer and 750-kilowatt transformer will ably handle electrical loads. On-site fuel storage and a generator with Automatic Transfer Switches will help ensure consistent power availability.

Nicholas Giancola, Chief Network Architect at C I Host adds: "We're using the new facilities as a blank slate opportunity to provide the kind of technology and service our customers demand."

The new buildings are located in the Dallas Love Field Corridor, 6 miles from downtown Dallas, 2.5 miles from Love Field Airport, and 10 miles from DFW International Airport.

New customers will be added to the new facility in early 2009, while current CI Host customers will be migrated during the following six to twelve months.

### About C I Host

C I Host ( www.cihost.com ), based in the Dallas/Fort Worth area is a Web hosting and Internet solutions provider, domain name registrar (DNR) and application service provider (ASP) hosting hundreds of thousands of domains around the world.

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Jan 23, 2000, 11:00pm CST

# CI Host struggling back after server crash

Kerry Curry Staff Writer

BEDFORD -- When CI Host's name server went down and dumped its 48,000 customers off the Internet, the company experienced a "very catastrophic event" but not a business-ending one, an information-technology analyst says.

Even so, "this can have a significant impact on a hoster's reputation," said Audrey Apfel, vice president and research director at the Gartner Group in Stamford, Conn.

CI Host, a Web-hosting company in Bedford, said its primary name server experienced data corruption that rendered it useless on Dec. 29. Though the company said its name server was restored by Jan. 1, it took time to get customers' sites operating again. Some customers said their sites were down for more than a week, and customers were still reporting problems with their sites working properly this week.

Such problems aren't unheard of in the hosting industry, although Apfel said CI Host's problems were "worse than most."

The incident spells an opportunity for competitors to go after CI Host's customers, she said. "CI Host has hundreds of competitors. None of these guys are big enough to make a foray, but there will be plenty of nibbling at the edges."

Ft. Lauderdale, Fla.-based ValueWeb, which hosts 50,000 Web sites, is one of the companies doing some nibbling.

"It is unfortunate that our competitors have problems, but when they do, we do try to capitalize on that," said Jeffrey D. Rubenstein, president and chief operating officer at ValueWeb. Rubenstein said ValueWeb had gained some former CI Host customers, but declined to say how many.

Apfel said CI Host is most at risk for losing its top-tier customers -- those who use their Internet sites for e-commerce and expected a stable environment. Others who have more passive sites likely will be satisfied with the steps CI Host has taken to remedy the situation.

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Lifestyle Environment Government Industry Sports Tech Front Page Business Education Other RSS | E-mail Newsletters | Put PRWeb on your site Contact Barely three months into 2002, C I Host has already racked up impressive awards for speed, reliability and Christopher Faulknei customer service 817-868-6999 New C I Host awards continue a tradition of being a leader in web hosting and

Bedford, TX (PRWEB) March 21, 2002 -

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C I Host has been honored as one of HostPulse.comÅ s 100 Most Dynamic Web Hosting Companies and has received a Top 10 Host Award from WebHostsOnline.com in recognition of its superior service, speed and introduction of cutting edge technology.

Internet solutions; C I Host also rewards customers with incentives

 We are certainty pleased with these awards, Â said Christopher Faulkner, founder and CEO of C I Host. A Putting our customers first and doing our part to keep the Internet healthy and accessible for all our global citizens is central to our mission. A

In explaining how it chose the hundred most dynamic web hosting companies, HostPulse.com said: A Web users want a hosting partner rather than a vendor. Our A 100 Most Dynamic Web Hosting Companies A listing recognizes companies in the web hosting industry that demonstrate three characteristics -- responsiveness to market demand, marketing expertise, and building successful customer relationships.Â

In addition, C I Host was ranked in the top 20 web hosts tested by targetblaster.com for having 99,45 percent uptime. one of the highest ratios in the industry

Å We arenÅ I surprised by our high ranking Å Faulkner said. Å We have invested significant amounts of money and resources in the past year to make our network one of the most robust and reliable in the world.A

C I Host, founded to be a customer-centric operation, has been at the forefront in passing its good fortune on to its customers. Long after other companies stopped trying to copy its two-for-one server offer, C I Host was still reaping the benefits of its A share the wealthA marketing philosophy.

À Other companies copied it but couldn'A it reproduce the profits and stopped, A Faulkner said. A Because of our relationships with more than 25 of the world's largest computer parts vendors, we can buy the best hardware for the lowest prices and pass that savings on to our customers through the two for one server offer. We sold more than 900 paid servers through this offer over the past 12 months.A

Cit HostA is success is due in large part to its marketing savvy and its sound financial footing

A combination of forces and business decisions has given C I Host the solid foundation that has enabled it not only to withstand, but to thrive in the unsettled economic climate that has forced other firms to cut back, withdraw and sometimes fold their tents.

C I Host has data centers in Texas, Chicago and Los Angeles, will open its first European center in London in April, and has more planned to open in Germany, India and Japan within the year

Å We are growing even faster than we were a year ago, Å said Faulkner, who turned 25 in December amidst one of C I HostA is best months. A Our finances are as sound and secure as our robust network. The future is bright.A

C I Host (http://www.cihost.com), is a Web hosting and Internet solutions provider, domain name registrar (DNR) and application service provider (ASP) serving 149,000 individual consumers and businesses in 176 countries worldwide.

C I Host creates business-class hosting solutions for the small- and medium-enterprise (SME) market, with the broadest portfolio of managed hosting and value-added services in the industry

C I Host is consistently ranked among the Top 5 Web hosting companies out of 16,000 around the globe by cinet's Ultimate Web Host List, Hostindex.com, and Web Host Directory. C I Host offers turnkey services ranging from initial domain name registration to custom dedicated servers for e-commerce on today's Web. The company offers innovative packages and services to the Internet community.

C I Host operates three diverse data centers across the United States, with its main facility and Network Operations Center in Bedford, Texas. C I Host also has offices in Los Angeles, Baltimore, Chicago and London.

All telco-grade, tier-1 data centers are wholly-owned and operated by C I Host and consist of redundant diesel generator backups and a temperature-controlled secure environment with fully redundant UPS capability. All server hardware is fully tested and configured for optimal performance. Daily Web server backups and full fire protection guard against any data loss. To deliver speed and reliability, C I Host's servers are connected to five DS-3 and OC-3 lines from five diverse internet backbones for a total of more than 780 Megabits of available bandwidth.

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C I Host

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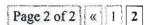


## Militant Islamic Web Site Avoided Shutdown: Report

July 2, 2002 — (WEB HOST INDUSTRY REVIEW) — A militant, pro-al-Qaida Web site exploited the nature of the Web hosting business to avoid the FBI?s efforts to shut it down, according to a report by the Associated Press.

## C I Host to Open London Data Center

July 18, 2001 — (WEB HOST INDUSTRY REVIEW) — C I Host (<u>cihost.com</u>), an e-business and Web hosting solution provider, is building a new data center in London to expand its abilities to provide geographic content distribution to its more than 100,000 customers throughout the globe.



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Nov 18, 2002, 4:15pm CST

# CI Host opens store in the Galleria

CI Host, a Bedford-based Web hosting company, has opened its first retail store at the Galleria mall.

CI Host said it believes it is the first company to sell Web hosting and Internet infrastructure services in a bricks-and-mortar store.

"Selling Web hosting services in a retail setting is a new concept," said Christopher Faulkner, CEO of CI Host. "This gives us the ability to meet our customers face-to-face."

CI Host's Technology Store will sell services aimed at small and medium-sized companies, as well as those geared for larger companies. Services will include shared hosting, in which the data from several clients' Web sites are housed on the same server, and dedicated, managed hosting, which gives a large company its own server and technical support staff.

Customers can walk in, buy a Web hosting account, have it set up in the store, and leave the store with all logins necessary to start uploading content when they get home, the company said. They also can order a dedicated server and have it set up and on CI Host's network and their logins e-mailed to them the same day.

CI Host's store also will sell its boxed products, e-Business in a Box and e-Memories on the Web.

The company plans to open future stores in Chicago, Los Angeles and Baltimore, where CI Host has facilities and strong markets, and eventually in malls all over the country.

Web site: CI Host



See more news releases in Computer Electronics | Computer Software | Multimedia & Internet | Advertising

### 'Human Billboard' Recruits 800 New Clients for C I Host



DALLAS, Oct. 19 /PRNewswire/ -- C I Host, a global leader in Web hosting and software development, today announced its walking, breathing "Human Billboard" captured 800 new accounts since the promotion began in March of 2003. After signing a contract with C I Host, Jim Nelson had the company's logo tattooed on the back of his head.

"The campaign brought C I Host's message to the masses," said Christopher Faulkner, CEO of C I Host. "The 'Human Billboard' is responsible for bringing us hundreds of new clients -- a success by any means."

The  $800 \, \mathrm{th}$  customer, Marion Rice of Omaha, Neb., saw the tattoo and instantly questioned Nelson.

"The 'Human Billboard' caught my eye and when I stopped him, he told me about C I Host," Rice said. "He was a big factor in my decision to go with C I Host."

The unique advertising idea has been featured in the press worldwide. Nelson agreed to the unusual use of his head to raise money for a dot.com

The five-year contract requires the "Human Billboard" to keep the tattoo visible at all times and make daily treks promoting C I Host, which includes trips throughout the continental U.S.

Faulkner knew the program would be successful shortly after it began -- 23 new accounts were generated directly from the tattooing event and C I Host Web traffic increased 12 percent just within the first two months of the campaign.

"The 'Human Billboard' is one of the most aggressive salespeople I've got," Faulkner said. "This proves the power of grassroots, guerrilla marketing should never be underestimated."

Photos of the tattoo can be downloaded by visiting: http://www.cihost.com/?zone=corporate/human\_billboard

### About C I Host:

C I Host (http://www.cihost.com ), based in the Dallas/Fort Worth market, is a global Web hosting and Internet solutions provider serving 210,000 individual consumers and businesses in 190 countries worldwide. C I Host's headquarters and Network Operations Center are in Bedford, Texas, and the company operates additional diverse data centers in Los Angeles and Chicago.

## **MCI Renews Hosting Focus with Digex**

July 1, 2004 — With its Digex acquisition complete, MCI has reaffirmed its commitment to Web hosting with a new product portfolio.

## Lawsuit Between CI Host, AOL Moves to Federal Court

August 29, 2003 — (WEB HOST INDUSTRY REVIEW) — CI Host's (cihost.com) lawsuit against America Online (aol.com) has been moved to federal court, according to a report in the Fort Worth Star-Telegram.

## CI Host Awarded Restraining Order Against AOL

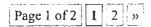
August 25, 2003 — (WEB HOST INDUSTRY REVIEW) — CI Host (<u>cihost.com</u>), a managed hosting and colocation provider, was awarded a temporary restraining order against America Online to prevent it from blocking e-mail from CI Host?s IP addresses to AOL subscribers.

## Comodo Announces 800th Program Partner

January 16, 2003 — (WEB HOST INDUSTRY REVIEW) — Internet security specialist Comodo (ComodoGroup.com) announced on Wednesday that it has signed the 800th member to its partner programs.

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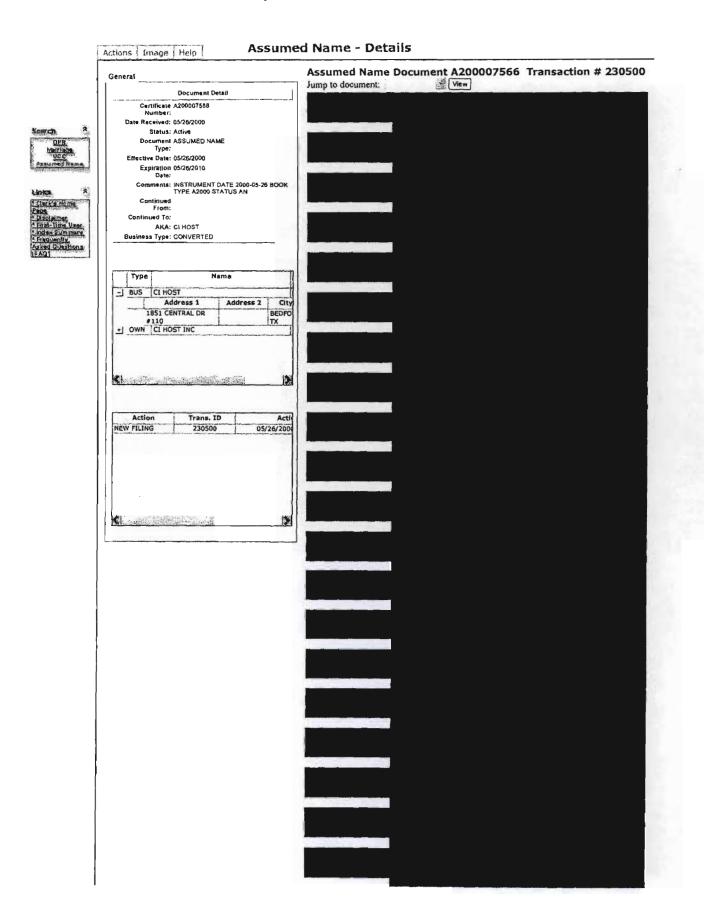


Kylonsyd

## ASSUMED NAME CERTIFICATE FOR AN INCORPORATED BUSINESS OR PROFESSION

NOTICE: "CERTIFICATES" ARE VALID ONLY FOR A PERIOD NOT TO EXCEED 10 YEARS FROM THE DATE FILED IN THE COUNTY CLERK'S OFFICE. (Chapter 36, Sect. 1, Title 4 Business and Commerce Code)

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a. T Code 13196 TEXAS FRANCHISE TAX PUBLIC INFORMATION REPORT MUST be Ided to satisfy franchise tax requirements		_ , , ,	identification number 75-2838246-2	d. Report year
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If the preprinted information is not correct, please type	or print the correct inform	ation. Please sign	below!	
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Texas Franchise Tax Public Information Report

Filing Number: 152344400

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## **Managed Web Hosting Leader**

With 13 years of expertise in managed web hosting, single and multiple server colocation and enterprise managed dedicated servers, we have the most extensive portfolio of data center colocation and managed Web hosting services in the industry.

Each of our data centers offer a full spectrum of services - server colocation, clustered and load balanced servers, shared Web hosting, managed dedicated servers, unmanaged dedicated and business Internet connectivity.

Our state-of-the-art data centers include our main Network Operations Center in Dallas, Texas and our full -service data center and web hosting facility in Los Angeles, California.

Please take a moment to fully explore the managed Web hosting, full service dedicated servers and server colocation services that we provide.

### **Dedicated Servers**

Our dedicated server offerings address customer needs for stability and complete server management. From single-server plans to multi-server Business Continuity solutions, our experienced technical staff will support you at every stage.



### Colocation

Our colocation services offer your business advanced hosting infrastructure in our Data Centers backed by experienced technical support. With reliable and secure Colocation service, we keep customers' servers online by protecting them from catastrophic environmental failure.



## Managed Services

Every server platform is custom-built to your business hosting needs and specifications using our process to Assess, Design, Implement and Manage. Complementary managed and professional services create a holistic solution for any complex hosting need.



ICANN's Registrant Rights and Responsibilities. ICANN's Expired Domain Deletion Policy Whois Lookup

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## Registrar Accreditation Agreement

This REGISTRAR ACCREDITATION AGREEMENT ("Agreement") is by and between the Internet Corporation for Assigned Names and Numbers, a California non-profit, public benefit corporation, and C I Host, Inc., a Texas Corporation ("Registrar"), and shall be deemed made on 8 December 2011, at Los Angeles, California, USA.

- 1. DEFINITIONS. For purposes of this Agreement, the following definitions shall apply:
- 1.1 "Accredit" means to identify and set minimum standards for the performance of registration functions, to recognize persons or entities meeting those standards, and to enter into an accreditation agreement that sets forth the rules and procedures applicable to the provision of Registrar Services.
- 1.2 "DNS" refers to the Internet domain-name system.
- 1.3 The "Effective Date" is 4 February 2012.
- 1.4 The "Expiration Date" is 3 February 2017.
- 1.5 "ICANN" refers to the Internet Corporation for Assigned Names and Numbers, a party to this Agreement.
- 1.6 "Personal Data" refers to data about any identified or identifiable natural person.
- 1.7 "Registered Name" refers to a domain name within the domain of a TLD that is the subject of an appendix to this Agreement, whether consisting of two (2) or more (e.g., john.smith.name) levels, about which a TLD Registry Operator (or an affiliate engaged in providing Registry Services) maintains data in a Registry Database, arranges for such maintenance, or derives revenue from such maintenance. A name in a Registry Database may be a Registered Name even though it does not appear in a zone file (e.g., a registered but inactive name).
- 1.8 "Registered Name Holder" means the holder of a Registered Name.
- 1.9 The word "Registrar," when appearing with an initial capital letter, refers to C I Host, Inc., a party to this Agreement.
- 1.10 The word "registrar," when appearing without an initial capital letter, refers to a person or entity that contracts with Registered Name Holders and with a Registry Operator and collects registration data about the Registered Name Holders and submits registration information for entry in the Registry Database.